

**TITLE 24
HEALTH ORDINANCE**

Chapters:

24-1	Salt Lake City-County Health Dept. Health Regulations
24-2	Solid Waste Management (Regulation #1)
24-3	Reserved (Regulation #2)
24-4	Reserved (Regulation #3)
24-5	Reserved (Regulation #4)
24-6	Reserved (Regulation #5)
24-7	Landscape, Property, and Building Maintenance
24-8	Cleaning of Real Property, Weed Control and Graffiti Removal
24-9	Reserved
24-10	Kennels, Catteries and Groomeries
24-11	Reserved (Regulation #10)
24-12	Reserved (Regulation #11)
24-13	Reserved (Regulation #12)
24-14	Reserved (Regulation #13)
24-15	Reserved (Regulation #14)
24-16	Reserved (Regulation #15)
24-17	Reserved (Regulation #16)
24-18	Reserved (Regulation #17)
24-19	Reserved (Regulation #18)
24-20	Reserved (Regulation #19)
24-21	Reserved (Regulation #20)
24-22	Noise Control (Regulation #21)
24-23	Air Pollution

**CHAPTER 24-1
SALT LAKE CITY-COUNTY HEALTH DEPT.
HEALTH REGULATIONS**

Sections:

- 24-1-101. Short Title.
24-1-102. Enactment of Salt Lake City-County Health
Department Health Regulations.
-

24-1-101. SHORT TITLE.

This Title shall be known as the "West Valley City Health Ordinance." This Title shall also be known as Title 24, West Valley City Code. It may be cited and plead under either designation.

24-1-102. ENACTMENT OF SALT LAKE CITY-COUNTY HEALTH DEPARTMENT HEALTH REGULATIONS.

Those reserved sections set forth below are Salt Lake City-County Health Department health regulations that are not applicable to the City or that are purposely left to the direction and enforcement of the Salt Lake City-County Health Department. **Where a section of the health regulations has been changed or amended to better reflect the power, authority and rules utilized in the City, an asterisk mark follows the section heading.**

Title 24 has been renumbered to conform with the other titles of the West Valley City Municipal Code. Numbers in parenthesis at the end of any heading or section indicate those originally assigned by the Salt Lake City-County Health Department.

Peace officers and ordinance enforcement officers are hereby authorized to enforce this Title.

**CHAPTER 24-2
SOLID WASTE MANAGEMENT
(REGULATION #1)**

Sections:

- 24-2-101. Definitions.* (Section 1.0)
- 24-2-102. Purpose. * (Section 2.0)
- 24-2-103. Jurisdiction of the Department. (Section 3.0)
- 24-2-104. Powers and Duties. (Section 4.0)
- 24-2-105. Scope. (Section 5.0)
- 24-2-106. Prohibited Acts. (Section 6.0)
- 24-2-107. Emergency Orders. (Section 7.0)
- 24-2-108. Condemning or Closing a Facility or Site. (Section 8.0)
- 24-2-109. Permits. (Section 9.0)
- 24-2-110. Bonds Required. (Section 10.0)
- 24-2-111. Accumulation of Solid Waste and Littering.* (Section 11.0)
- 24-2-111a. Abandoned, Junked, or Inoperable Vehicles.* (Section 11.2)
- 24-2-112. Storage of Solid Waste.* (Section 12.0)
- 24-2-113. Residential Solid Waste Collection.*
- 24-2-114. Collection and Transportation of Waste.* (Section 13.0)
- 24-2-115. Processing Facilities. (Section 14.0)
- 24-2-116. Disposal Sites.* (Section 15.0)
- 24-2-117. Notice.* (Section 16.0)
- 24-2-118. Enforcement. (Section 17.0)
- 24-2-119. Right to Appeal. (Section 18.0)
- 24-2-120. Penalty. (Section 19.0)
- 24-2-121. Severability. (Section 20.0)
- 24-2-122. Effective Date. (Section 21.0)

24-2-101. DEFINITIONS.* (SECTION 1.0)

For the purpose of these regulations and unless defined in other sections, the terms, phrases and words shall have the following meanings:

- (1) Agricultural waste: The manure or crop residues from various agricultural pursuits, including, but not limited to, dairies and the raising of livestock and poultry. (1.1)
- (2) Bulky waste: Large items of residential solid waste, including, but not limited to, appliances, furniture, trees, branches, and stumps. (1.2)
- (3) Collector: Any person who collects or transports solid waste. (1.3)
- (4) Compaction: The volume reduction of material under load. (1.4)
- (5) Compost: Organic waste material that has biologically decomposed or is in the process of biologically decomposing under controlled conditions. (1.5)
- (6) Composting: The biological decomposition of organic waste under controlled conditions. (1.6)
- (7) Compost plant: Any place or facility where composting occurs, except as provided in Section 24-2-111(5) of these regulations. (1.7)
- (8) Construction and demolition waste: Waste building materials and rubble resulting from construction,

remodeling, repair, or demolition operations on houses, commercial buildings, structures, or pavements. (1.8)

(9) Container: Department and collection agency approved metal, heavy-duty paper, or plastic receptacles used for storage or disposal of solid waste. (1.9)

(10) Cover material: Soil or other material used to cover compacted solid waste, which is free of objects that hinder compaction and free of content conducive to vector harborage, feeding, or breeding. (1.10)

(11) Department: The Salt Lake City-County Health Department, the West Valley City Police Department, the West Valley City Public Works Department, or the West Valley City Ordinance Enforcement Division. (1.11)

(12) Director: The Chief Ordinance Enforcement Officer or his authorized representative. (1.12)

(13) Disposal site: Any location, place, tract of land, or area, including any structure where solid waste is finally deposited. (1.13)

(14) Dust: Any particulate matter capable of being suspended in air. (1.14)

(15) Facility: Any structure, machinery, equipment, or recycling, reclamation resource recovery, or processing facility, system, or process used in the storage, collection, transfer, incineration, pyrolyzation, consolidation, segregation, treatment, conversion, utilization, processing, classification, volume reduction, or disposal of solid waste. (1.15)

(16) Garbage: The animal and vegetable waste or food refuse resulting from handling, preparing, cooking, or consumption of food. (1.16)

(17) Ground water: Water occurring in the zone of saturation in any aquifer or soil. (1.17)

(18) Hazardous waste:

(a) Any solid waste or combination of solid wastes that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

(i) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(ii) Pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed, or otherwise managed.

(b) Any waste exempted or that does not meet the criteria as a hazardous waste under state or federal regulations shall be exempted as a hazardous waste under these regulations. (1.18)

(19) Household: The association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.

(20) Household income: All income received by all persons of a household in the calendar year next preceding the year in which a claim is filed.

(21) Incineration: The controlled burning of solid, liquid, or gaseous combustible waste for volume or weight reduction or both or for the salvaging of material. (1.19)

(22) Incinerator: A device used for the destruction, volume or weight reduction, or salvaging of waste material by burning. (1.20)

(23) **Income**: The sum of federal adjusted gross income as defined in the Internal Revenue Code and all nontaxable income, including, but not limited to, the amount of capital gains excluded from adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance, and relief, the gross amount of any pension or annuity, including Railroad Retirement Act benefits and veterans disability pensions, all payments received under the Federal Social Security and state unemployment insurance laws, nontaxable interest received from the federal government or any of its instrumentalities, workman's compensation, and the gross amount of "loss of time" insurance. "Income" does not include gifts from nongovernmental sources or surplus foods or other relief in kind supplied by a public or private agency.

(24) **Industrial waste**: Any waste, either liquid, solid, or gas or any combination of these, resulting from any process of industry, manufacturing, trade, business, mining, agriculture, or the development of a natural resource. (1.21)

(25) **Inoperable vehicle**: Any automobile, truck, motor home, or bus not currently registered and licensed in this state or another state, or in any of the following conditions that shall be considered unsightly or deleterious: dismantled; broken windows; flat or no tires; missing doors, fenders, hood, or trunk; won't start; isn't driveable; or any other condition that would result in the vehicle's failure to pass state inspection.

(26) **Junk**: Any salvaged or scrap copper; brass; iron; steel; metal; rope; rags; batteries; paper; wood; trash; plastic; rubber; tires; waste; dismantled, wrecked, or inoperable motor vehicles or parts; or other articles or materials commonly designated as junk.

(27) **Leachate**: Liquid that has percolated through or drained from solid waste and contains extracted, dissolved, or suspended material. (1.22)

(28) **Litter**: Any quantity of uncontainerized paper, metal, plastic, glass, or miscellaneous solid waste. (1.23)

(29) **Littering**: The willful or negligent throwing, dropping, placing, depositing, or sweeping of solid waste on any premises other than in approved storage containers and sites. (1.24)

(30) **Nuisance**: Unlawfully doing an act that annoys, injures, or endangers the comfort, repose, health, or safety of any person, or that renders a person insecure in life or the use of property. (1.25)

(31) **Open burning**: A fire whose products of combustion are emitted directly into the open air without passing through a stack or chimney. (1.26)

(32) **Open dump**: Any disposal site that does not comply with these regulations. (1.27)

(33) **Operator**: A person who owns, leases, or manages a site or facility. (1.28)

(34) **Owner**: Any person who alone, jointly, or severally with others:

(a) has legal title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or

(b) has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent

of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. (1.29)

(35) **Person**: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law. (1.30)

(36) **Processing facility**: Transfer station, compost or pyrolysis plant, incinerator, recycling, reclamation or resource recovery facility, or location where solid wastes are temporarily stored, classified, consolidated, baled, shredded, composted, salvaged, treated, or handled prior to final disposal. (1.31)

(37) **Pyrolysis**: The chemical decomposition of material by heat in an oxygen-deficient atmosphere. (1.32)

(38) **Pyrolysis plant**: A place or facility where pyrolysis occurs. (1.33)

(39) **Reclamation facility**: A facility where solid wastes are stored, dismantled, segregated, or reprocessed to recover salvageable materials for sale or reuse. (1.34)

(40) **Recycling**: The reuse of all or part of recovered solid waste by resource recovery for manufacturing, agriculture, power or heat production, or any other process. (1.35)

(41) **Recycling facility**: Any place, plant, or equipment designed and operated to store, collect, redistribute, and return processed materials to market. (1.36)

(42) **Refuse**: Garbage, rubbish, and other discarded material. (1.37)

(43) **Residential solid waste**: Refuse produced by or resulting from the normal activities of residential households, and excluding asphalt, concrete, dirt, rocks, or other similar materials not normally associated with day-to-day residential household activities.

(44) **Residue**: All solids that remain after incineration, including grate siftings, ash, and fly ash. (1.38)

(45) **Resource recovery**: The processing of solid waste to produce materials or energy that may be used or in manufacturing, agriculture, power or heat production, or any other process. (1.39)

(46) **Resource recovery facility**: Any place, plant, equipment, or device designed and operated to separate or process solid or liquid waste into useable material, including, but not limited to, fuel, heat, and other energy. (1.40)

(47) **Rubbish**: All solid waste except garbage and hazardous waste, including, but not limited to, ashes, bedding, cardboard, paper, wood, cans, metal, glass, crockery, rubber, plastic, leather, rags, and yard trimmings. (1.41)

(48) **Salvaging**: The controlled removal of waste materials for utilization. (1.42)

(49) **Scavenge**: The uncontrolled removal of solid wastes from a site or facility. (1.43)

(50) **Sewage**: Liquid or water carried wastes, or both, produced by any person, animals, or fowl from residences, business buildings, institutions, industrial establishments, or agricultural, recreational, or other locations, including but not

limited to septic tanks, privy vaults, and cesspools, together with ground water, surface water and storm water. (1.44)

(51) Site: Any place, tract of land, or facility used for the storage, collection, transfer, conversion, utilization, processing, treatment, incineration, pyrolyzation, handling, or disposal of solid waste. (1.45)

(52) Sludge: Any solid, semisolid, or liquid waste having similar characteristics and effects, generated from municipal, commercial, industrial waste water and water supply treatment plants, or air pollution control facilities. (1.46)

(53) Solid waste: Garbage, junk, inoperable vehicles, refuse, trash, rubbish, residential solid waste, hazardous waste, special waste, industrial waste, construction and demolition waste, dead animals, manure or feces, sludge, liquid or semi-liquid waste, asphalt other than that being used for hard surfacing, organic materials, and waste concrete or rocks larger than 12 inches in diameter; other spent, useless, worthless, or discarded materials or materials stored or accumulated for the purpose of discarding; materials that have served their original intended purpose; or waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational, or community activities. It does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Chapter 11, Title 26, Utah Code Annotated, 1953 (as amended), or under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251, et. seq. (1.47)

(54) Special waste: Those wastes that are not considered hazardous but may require complex or special management due to characteristics such as high moisture content or bulk. (1.48)

(55) Transfer station: A facility where solid waste is transferred from collection to haulage vehicles for transportation to another facility or site. (1.49)

(56) Trash: Materials including, but not limited to, garbage, construction or demolition debris, clothing, rags, yard trimmings, or other refuse resulting from the conducting of any business, trade, or industry. (1.50)

(57) Used Oil: Oil which has been refined from crude oil, used, and as a result of that use, contaminated by physical or chemical impurities. (1.51)

(58) Used Oil Collector: Any person who has obtained, from the State of Utah, a permit allowing the collection of used oil for resale to oil refining facilities or disposal by other methods approved by law. (1.52)

(59) Waste contractor: A person(s) engaged in the business of collecting, hauling, or transporting garbage, refuse, agricultural or hazardous waste, sewage, sludge, dead animals, bones, or other solid waste. (1.53)

(60) Water table: The upper surface of the zone of saturation, if unconfined by an impervious formation, and that can be referred to in terms of elevation. (1.54)

(61) Working face: Any part of a disposal site where solid waste is being disposed and compacted prior to placement of cover material. (1.55)

(Ord. No. 94-58 Amended 06/22/1994; Ord. No. 94-65 Amended 06/30/1994; Ord. No. 00-12 Amended 02/24/2000)

24-2-102. PURPOSE. (SECTION 2.0)

It is the purpose of these regulations to regulate the accumulation, storage, collection, transportation, processing, treatment, handling and disposal of solid wastes in a way that will:

- (1) Protect and promote the public health, safety and welfare; (2.1)
- (2) Prevent damage to property; (2.2)
- (3) Prevent the spread of disease; (2.3)
- (4) Prevent the creation of nuisances; and (2.4)
- (5) Prevent air and water pollution. (2.5)

24-2-103. JURISDICTION OF THE DEPARTMENT. (SECTION 3.0)

All solid waste management enumerated in Section 24-2-102 shall be subject to the direction and control of the Department.

24-2-104. POWERS AND DUTIES. (SECTION 4.0)

The Department, by the Director, shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall:

- (1) Require the submission of reports, plans and specifications for public or private facilities or sites as necessary to implement the provisions, requirements and standards of these regulations; (4.1)
- (2) Issue permits and charge fees as necessary to implement the provisions, requirements and standards of these regulations. (4.2)
- (3) Make inspections of any facilities or sites and issue orders as necessary to effect the purposes of these regulations. (4.3)
- (4) Take samples and make analyses of any solid waste or require the sampling and analysis of any such materials. (4.4)
- (5) Review and comment on any proposed contract or agreement between any district, city, county, governmental unit, or person for the handling, treatment, processing, or disposal of any solid waste within Salt Lake County. (4.5)
- (6) Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations. (4.6)

24-2-105. SCOPE. (SECTION 5.0)

It shall be unlawful for any person not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations.

24-2-106. PROHIBITED ACTS. (SECTION 6.0)

Except as otherwise provided by law, it shall be unlawful for any person:

(1) To dispose of any solid waste in any place except at a facility or site that has been approved by the Department. (6.1)

(2) To operate a facility or site or engage in the business of waste contractor without a valid permit from the Department, unless specifically exempted elsewhere in these regulations. (6.2)

(3) To deposit any solid waste upon any public or private property without the consent of the owner and approval of the Department. (6.3)

(4) To construct, alter, operate or change the operating procedures of a site or facility without the corresponding permit or approval from the Department. (6.4)

(5) To scavenge at a site. (6.5)

(6) To feed farm or domestic animals on an existing site, unless approved by the Department. (6.6)

(7) To dispose of any solid waste in a way prohibited by any applicable laws. (6.7)

(8) To open burn, except as provided by law. (6.8)

(9) To create or operate an open dump. (6.9)

(10) To accumulate, litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, consolidate, incinerate or dispose of any solid waste contrary to these regulations or orders of the Department. (6.10)

(11) To create, cause or allow insect or rodent propagation, conditions for transmission of disease, any unsanitary condition, or any other safety or public health hazards. (6.11)

(12) To accumulate, litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, incinerate or dispose of any solid waste in such a way that a nuisance is created. (6.12)

(13) To dispose of used oil, except through a used oil collector. (6.13)

(14) To discharge used oil into sewers, drainage systems, surface waters, ground waters or watercourses or deposit used oil on land, unless authorized under other provisions of law. (6.14)

(15) To mix or commingle used oil with solid waste that is to be disposed of in landfills or otherwise by trash collection. (6.15)

(16) To use used oil for road oiling, dust control, weed abatement or other similar uses that have the potential to release used oil into the environment. (6.16)

24-2-107. EMERGENCY ORDERS. (SECTION 7.0)

(1) Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety or well-being, the Director may issue an order declaring the existence of an emergency and requiring that remedial action be taken. The order shall be effective immediately, but on application to the Department, the recipient of the order shall be granted a hearing within 48 hours before the Director. On the basis of the hearing, and not more than 24 hours after adjournment of the hearing, the Director shall revoke, modify or continue such order in effect. (7.1)

(2) The Director shall prohibit a specific waste from being accepted at any site or facility if there is a threat to the health, safety or welfare of the employees, the users of the site or facility, or the public. (7.2)

24-2-108. CONDEMNING OR CLOSING A FACILITY OR SITE. (SECTION 8.0)

(1) Any facility or site that fails to meet the requirements of these regulations and has been found to be a threat to the public health, safety or welfare, may be condemned and closed by the Department and designed by a placard posted in a conspicuous place. (8.1)

(2) The Department shall give notice in writing to the owner or operator of the facility or site condemned and closed. (8.2)

(3) No facility or site that has been condemned, closed and placarded shall accept solid waste or be used for the accumulation, storage, treatment, handling, processing or disposal of solid waste until written approval is received from the Department. The Department shall remove the placard whenever the violation(s) upon which condemnation, closing and placarding were based has been remedied. (8.3)

(4) No person shall deface or remove a placard from any facility or site that has been condemned and closed by the Department. (8.4)

(5) Any owner or operator affected by the condemning, closing and placarding of a facility or site may request and be granted a hearing as provided in Section 24-2-118. (8.5)

24-2-109. PERMITS. (SECTION 9.0)

(1) Department approval and permits required.

(a) No construction building permit for a facility or site shall be issued without approval from the Department.

(b) No business license for the operation of a facility, site or waste contractor shall be issued except upon the presentation of a signed inspection report from the Department indicating that all facilities, sites and vehicles to be used in handling solid waste have been inspected and approved by the Department and a permit has been issued to the applicant for each vehicle to be used in such handling or hauling of solid waste.

(c) No person shall operate a facility or site without a corresponding valid permit from the Department.

(d) The Department may exempt a hazardous waste facility or site from the permit requirements if the facility or site is permitted under a hazardous waste program authorized by the State of Utah or the United States Government or both. (9.1)

(2) Application requirements for approval and permit.

(a) Application for approval for construction of a facility or site or a permit for operating a facility or site or engaging in the business of a waste contractor shall be in writing setting forth the plans, specifications, and reports as required in the applicable sections of these regulations. The Department may prescribe the form on which the information required under these regulations shall be submitted. Application shall be made within the following time periods:

(i) For approval for construction of a new facility, site or business, at least 60 calendar days prior to the start of construction;

(ii) For a permit to operate a new facility, site or business, prior to commencement of operation of the facility, site or business; and

(iii) For a permit to operate an existing facility, site or business, no later than 180 calendar days after the effective date of these regulations.

(b) Upon approval of the permit application and receipt of the bond, the Department shall issue a permit. Such permit shall expire on January 1 of each year following issuance and be renewable within 60 calendar days prior to the expiration date. (9.2)

(3) Permit fees.

(a) The fee for each permit shall be based on the reasonable expenses incurred by the Department to review plans and specifications, conduct inspection and act upon the permit application.

(i) For a facility or site, the fee shall be:

0-15 tons/day max. design capacity - \$50

16-200 tons/day max. design capacity - \$100

201-700 tons/day max. design capacity - \$150

701 or more tons/day max. design capacity - \$200

(ii) For a waste contractor, the fee shall be 85 per vehicle.

(b) A late fee of \$825 shall be charged in addition to the permit fee for every business applying subsequent to the time periods specified in Section 9.2.

(c) No permit fee is refundable for any reason.

(d) The following exemptions shall be made to the permit fee requirement:

(i) Governmental agencies applying for a permit may be exempted from paying the fee unless there is some rule or policy of that agency allowing for the payment of a fee.

(ii) With the approval of the Director, a volunteer special recycling collection center or resource recovery activity including, but not limited to, paper, bottle and can drives or sites for disposal of inert wastes may be issued a permit without cost or bond requirement or both. Any approval provision shall not be construed as an exemption from complying with the requirements of these rules and regulations. (9.3)

(4) Permits nontransferable. No permit shall be transferable from one person to another, one site or facility to another, or one vehicle to another. (9.4)

(5) Suspension or revocation of approval or permit.

(a) Causes: Construction approval or any permit issued pursuant to these regulations may be denied, suspended or revoked by the Director for any of the following reasons:

(i) Failure of the reports, plans or specifications to show that the facility or site will be constructed, operated or maintained in accordance with the requirements and standards of these rules and regulations.

(ii) Submission of incorrect or false information in the application, reports, plans or specifications.

(iii) Failure to construct, operate or maintain the facility, site or vehicles in accordance with the application, reports, plans and specifications approved by the Department.

(iv) Operation of the facility, site or business in a way that causes or creates a nuisance or hazard to the public health, safety or welfare.

(v) Violation of any rules and regulations, restrictions or requirements adopted by the Department.

(vi) Violation of any condition upon which the permit was issued.

(vii) Failure to pay the permit fee or post the surety bond.

(viii) Failure to pay any deficiency in the required bond.

(ix) Failure of the owner or operator of a facility or site to permit or allow the Department to conduct inspections to determine compliance with these regulations.

(b) Hearing: If any permit is denied, suspended or revoked, the applicant may request a hearing within 10 calendar days of such action. The hearing shall be held before the Director within 10 calendar days after the request. Within 10 calendar days after the hearing, the Department shall send written notice to all parties of the decision of the Director and the reasons therefor. (9.5)

24-2-110. BONDS REQUIRED. (SECTION 10.0)

(1) Prior to the issuance of a permit, the applicant shall file with the Department a surety bond in favor of the Department to ensure operation, maintenance and closure of the facility or site in accordance with Sections 24-2-115(6) and 24-2-115(7) of these regulations.

(a) Surety bonds submitted for sanitary landfills, land disposal sites and processing facilities shall be:

0-15 tons/day max. design capacity - \$5,000

16-200 tons/day max. design capacity - \$10,000

201-700 tons/day max. design capacity - \$15,000

701 or more tons/day max. design capacity - \$20,000

(b) Each bond shall provide assurance for the operation or maintenance of a finished sanitary landfill, land disposal site or processing facility for a period of two years after the landfill, disposal site or processing facility is completed or closed as provided in Sections 4-2-115(7) and 24-2-15(8) of these regulations. (10.1)

(2) Government-operated facilities and sites are exempted from the surety bond requirement. (10.2) (3)

The Department may exempt a hazardous waste facility or site from the bond requirements if the facility or site is bonded under a hazardous waste program authorized by the State of Utah or the United States Government or both. (10.3)

24-2-111. ACCUMULATION OF SOLID WASTE AND LITTERING.* (SECTION 11.0)

(1) Accumulation of solid waste and littering prohibited. It shall be unlawful for any person to accumulate, throw, discard, deposit, place, sweep, dump, conduct or allow any person to accumulate, throw, discard, deposit, place, sweep, dump or conduct any solid waste or litter into or upon any public place, private premises, street, road, alley, property abutting any alley, stream, well, spring, canal, ditch, gutter, lot or any other property or place, above or below ground level, except:

(a) This section shall not apply to waste thrown, deposited or placed in containers meeting the requirements of these regulations and provided for the person's use, or a facility or site approved by the Department.

(b) This section shall not apply to Department-approved spreading of manure or other materials upon the land for fertilizing or conditioning the soil, provided a nuisance or health hazard is not created.

(c) This section does not preclude solid waste from being temporarily accumulated for immediate removal, if approved by the Department.

(d) This section does not preclude the construction or operation of a compost pile, as provided in (5) of this Section.

(e) This section does not apply to junk and scrap metal accumulated on the premises of a business enterprise lawfully situated and licensed for the same, if a nuisance or health hazard is not created. (11.1)

(2) Repealed.

(3) Cleaning required for vacated premises. Any person vacating a dwelling, storeroom, or any other structure or the immediate grounds shall remove all garbage, trash and refuse and leave the property in a sanitary condition within 24 hours after vacating. (11.3)

(4) Removal of dead animals. It shall be unlawful for any person to knowingly permit any dead animal to remain upon the premises, or for the owner of any dead animal to knowingly permit it to remain upon any public street or property or private premises. If the owner of the dead animal does not remove and properly dispose of it himself or cause it to be properly removed and properly disposed within 24 hours after receipt of notice from the Department, the Department may cause it to be removed and disposed and shall assess against the owner the actual costs of removal and disposal. The Department may avail itself of all remedies in law to enforce removal, disposal and recovery of cost. If ownership of the dead animal cannot be determined, the owner of the property on which the dead animal is located shall be responsible for proper removal and disposal of the animal, and the assessing and recovering of costs shall apply to the property owner. (11.4)

(5) Compost. A person may keep or maintain compost on his property for home gardening if the following requirements are complied with:

(a) The compost shall be located and maintained to prevent the spread of disease, the propagation or harborage of insects or rodents, the creation of any odor or nuisance, or

any other condition that might affect the public health, safety or welfare.

(b) The compost shall not be used or sold as a commercial product or used in any licensed business operation unless the requirements of approval, permits, and operation given in Sections 24-2-109 and 24-2-115 of these regulations are complied with. (11.5)

(6) Handbills and leaflets. It shall be unlawful for any person or business to post, place, deposit, or otherwise affix, or cause to be posted or otherwise affixed, any handbills, leaflets, flyers, advertising devices, notices, unsolicited newspapers, papers, information material, or circulars on vehicles, utility poles, signs, fences, doors, trees, or any public property. If any of the above items are found upon public property contrary to the provisions of this section, the item may be removed by any City employee. This ordinance shall not apply to official government documents, election materials, or materials specifically allowed in other City Code sections. (11.6)

(7) Containers provided to prevent litter. To facilitate proper disposal of litter by pedestrians and motorists, public establishments and institutions shall provide adequate containers that are emptied and maintained in good condition and meet the prescribed standards in these regulations. The requirements shall be applicable, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools and colleges. (11.7)

(8) Construction and demolition projects.

(a) It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition project to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project.

(b) It shall be the duty of the owner, agent or contractor to have on the site adequate containers for the disposal of litter and to make appropriate arrangements for its collection or final disposition at an authorized facility.

(c) It shall be unlawful for the owner, agent, or contractor in charge of any construction or demolition project to place, for City-furnished bulky waste collection, waste from construction and demolition projects.

(d) The owner, agent or contractor may be required by the Department to show proof of appropriate collection, or if personally transported, of final disposition at an authorized facility. (11.8)

(9) Loading and unloading operations.

(a) Any owner or occupant of an establishment or institution where litter is attendant to the packing or unpacking or loading or unloading of materials at exterior locations shall provide suitable containers for the disposal and storage of such litter.

(b) It shall be the duty of such owner or occupant to remove at the end of each working day any litter that has not been containerized at exterior locations. (11.9)

(10) Keeping property clean.

(a) It shall be the duty of the owner or occupant to keep property free of litter. This requirement applies not only to removal of loose litter, but to materials that are or become trapped at fence and wall bases, grassy and planted areas, borders, embankments or other lodging points.

(b) The owner or occupant whose property faces on municipal sidewalks, strips between streets and sidewalks, or strips between such properties and streets shall be responsible for keeping those sidewalks and strips free of litter.

(c) It shall be unlawful to sweep or push litter from sidewalks and steps into streets. Sidewalk and step sweepings shall be picked up and put into household or commercial solid waste containers. (11.10)

(Ord. No. 94-58 Amended 06/22/1994; Ord. No. 94-65 Amended 06/30/1994; Ord. No. 95-60 Amended 01/12/96; Ord. No. 96-01 Amended 02/28/1996)

24-2-111A. ABANDONED, JUNKED, OR INOPERABLE VEHICLES.* (SECTION 11.2)

(1) It shall be unlawful for any person to abandon a vehicle upon any highway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. For the purpose of this section, a vehicle shall be presumed to be abandoned if it is left unattended on a highway for a period in excess of 24 hours, or on any public or private property for a period in excess of seven calendar days without the express or implied consent of the owner or person in lawful possession or control of the property.

(2) It shall be unlawful for any person to cause or permit any scrap metal, dismantled, junk, wrecked, abandoned, or inoperable vehicle(s) or vehicle parts to remain on any property or premises, unless in connection with a lawfully situated and licensed business, or in an enclosed accessory structure, such as a garage or barn, provided such building does not impose a threat to life safety or a nuisance or health hazard and is constructed in accordance with all municipal ordinances and state building code and zoning regulations at the time of the original building construction. Carports are not considered "enclosed" for the purpose of this ordinance.

(3) Any abandoned or inoperable vehicle(s) on a person's private property and not owned by him may be removed upon the property owner's request, provided that proper departmental authorization has been granted the wrecker. (11.2)

(Ord. No. 95-60 Renumbered 01/12/1996, 24-2-111(2))

24-2-112. STORAGE OF SOLID WASTE.* (SECTION 12.0)

(1) Sanitary storage of waste materials required. The owner or occupant of any premises, residence, business establishment, institution, industry or recreation area shall

ensure that all solid waste generated by such premises or establishment is stored to prevent the attraction, harborage, or breeding of insects or rodents or both and eliminate conditions harmful to public health or that create safety hazards, odors or nuisances. (12.1)

(2) Sufficient containers required. Except as otherwise provided herein, each premises, residence, business establishment, institution, industry, construction or demolition project, or recreation area shall provide a sufficient number of containers meeting the requirements in Sections 24-2-112(4), 24-2-112(5), 24-2-112(6), and 24-2-112(7) of these regulations, suitable for the type of material accumulated. The containers shall be sufficient to prevent overflowing and to accommodate all waste and litter accumulated between scheduled collections. (12.2)

(3) Automated-collection residential solid waste containers.

(a) All single-family and duplex residential dwellings units shall utilize the City-furnished automated-collection residential solid waste containers.

(b) It shall be unlawful to deface or otherwise damage City-furnished automated-collection residential solid waste containers.

(c) The City may supply additional automated-collection residential solid waste containers to residential dwelling units, upon written request, at the fees set forth in the Consolidate Fee Schedule and for minimum time periods established by the Department.

(4) Containers provided by contractors.

(a) No waste contractor shall supply to customers solid waste storage containers that do not meet the requirements of these regulations.

(b) The name and phone number of the waste contractor shall be legibly written on the container in letters at least one inch high.

(c) If a waste contractor furnishes storage containers, the contractor shall be responsible for maintaining the containers in clean and good condition unless they are furnished under other terms, conditions or agreements. The waste contractor shall plan and work with the property owner or occupant or both for placement of the storage containers to minimize traffic and other problems on the property and for the general public. (12.3)

(5) Loading of containers.

(a) Automated-collection residential solid waste containers shall not be packed tightly with solid waste such that the waste will not easily slide out of the container when emptied.

(b) Automated-collection residential solid waste containers shall not be filled with residential solid waste weighing more than 200 pounds.

(6) Containers to be kept closed. Containers shall be kept securely closed at all times except when placing waste in or emptying waste from the container. All containers, including nonreusable containers, shall be stored and securely closed to prevent insects, rodents and other animals from gaining access to the contents and to prevent littering. The

Department may exempt containers used for the storage of rubbish from the cover requirements of this section. (12.4)

(7) Standards for storage containers. Containers used for the storage of solid waste shall meet the following minimum requirements:

- (a) Reusable type containers shall be:
 - (i) Constructed of metal, plastic or rubber; durable; rust and corrosion resistant; water tight; and insect and rodent proof;
 - (ii) Kept clean and sanitary;
 - (iii) Outfitted with tight-fitting lids or covers;
 - (iv) Provided with handles or devices sufficiently strong and accessible that the container may be easily lifted and handled conveniently;
 - (v) Constructed with wide necks and mouths and tapered sides to prevent clogging and littering, if the containers are emptied manually; and
 - (vi) Capable of being emptied without the collector coming into physical contact with the solid waste.
 - (b) Containers that are broken, worn out, rusted, or that have jagged edges or any other defect capable of hampering collection or causing injury or that otherwise fail to meet the requirements of these regulations shall not be used, but shall be replaced promptly.
 - (c) (i) Nonreusable containers shall be constructed of reinforced weather-resistant kraft paper or plastic designed specifically for the storage and collection of solid waste and have a holding strength capable of withstanding stress until after collection. Plastic bags used for the storage and collection of solid waste shall have a thickness of 2.0 mils or more.
 - (ii) Pasteboard boxes may be used for the storage and collection of waste material if the boxes:
 - a. Can be easily handled and placed in the collection vehicle;
 - b. Weigh no more than 50 pounds (23 kilograms) when filled;
 - c. Are filled with dry waste;
 - d. Are dry when collected; and
 - e. Are tightly covered to prevent littering.
 - (iii) Wooden boxes, barrels and similar containers may be used if they have tight-fitting covers.
 - (d) Other types of containers shall meet the requirements of these regulations and be approved by the Department and collection agency. (12.5)
- (8) Storage of bulky waste.
- (a) Bulky waste or waste too large or otherwise unsuitable for storage containers shall be stored temporarily in a way that does not create a health hazard, nuisance, fire hazard, rodent harborage or litter.
 - (b) No person shall store or leave outside any unattended or discarded ice box, refrigerator, freezer or other similar bulky waste without first sealing it or removing any door or latch attached thereto and otherwise prevent it from being a hazard to children. (12.7)
 - (9) Storage of agricultural waste.

(a) Agricultural waste shall be stored to prevent insect or rodent production or sustenance, conditions for transmission of disease to man or animals, water and air pollution, and to minimize odors and nuisance conditions.

(b) No person having charge of any stable, stall, shed, coop, apartment or yard where any animal is kept, or in any place where manure or liquid discharges of any animal accumulate or collect, shall permit such stable, stall, shed, coop, apartment or yard to be kept unclean or unsanitary. Manure stacks shall be constructed or established and maintained to prevent run-off and leachate from entering surface or ground water. (12.8)

(10) Provision for solid waste disposal and storage facilities at a new building. Before a building permit(s) is issued for construction of a commercial building(s) or multiple-dwelling units, plans for the adequacy, location and accessibility of solid waste containerization and storage facilities shall be approved by the Department of Public Works or other appropriate agency. (12.9)

(11) Storage rooms.

(a) Storage houses, rooms or areas used to store solid waste shall be of rodent-proof construction, readily cleanable, and have proper drainage. Storage rooms or buildings not refrigerated shall be adequately vented and all openings screened to prevent entrance or egress of insects or rodents.

(b) Storage houses, rooms or areas used to store solid waste shall be kept in good repair, free from rodent or insect production, and any nuisance or unsanitary condition. (12.10)

(12) Location of containers. Solid waste and containers used for the storage of solid waste shall be stored at least three feet (.91 meter) from the property line of another person and located in places convenient for authorized users. No container shall be placed where it creates a nuisance. (12.11)

(13) Unauthorized use of container.

(a) No person shall tamper, modify, remove or deposit solid waste in any container that has not been provided for his use, without the permission of the container owner.

(b) No person shall deposit solid waste from any business, apartment house, multiple dwelling or public building in any receptacle for disposal of litter by pedestrians. (12.12)

(Ord. No. 94-65 Amended 06/30/1994)

24-2-113. RESIDENTIAL SOLID WASTE COLLECTION.*

(1) Residential solid waste collection fees. The owner of every single-family dwelling unit and duplex unit shall be responsible and liable for the monthly charges enumerated in the Consolidated Fee Schedule for residential solid waste collection services. The charge for such services shall be billed on a periodic basis to the dwelling units of which the Finance Department has record. In those instances where the periodic electric bill is currently being sent to a tenant at the owner's request, the residential solid waste collection services

may be similarly billed. However, the owner shall pay for all residential solid waste collection service furnished such tenant or other occupant of the premises, in case such tenant or occupant fails to pay the same.

(2) Billing and delinquency.

(a) The Finance Department shall cause billings for residential solid waste collection services to be rendered periodically at rates established in the Consolidated Fee Schedule, in a manner to be approved by the City Council.

(b) Fees and charges levied in accordance herewith shall be a debt due to the City. Unless otherwise determined by the City Council, if this debt is not paid within 30 days after billing, it shall be deemed delinquent and shall be subject to recovery in a civil action for which the City may recover reasonable attorney's fees and collection costs.

(3) Deposits required for nonowners. The City may require that all users of residential solid waste collection services who are not the owners of the premises pay to the Finance Department, for deposit with the City Treasurer, an amount sufficient to cover the cost of residential solid waste collection services that may accumulate. The amount deposited shall not be less than three times any monthly or bimonthly bill for residential solid waste collection over the preceding year on such premises, but in no case shall the amount be less than \$15. The Finance Department shall issue a certificate of deposit. The City Treasurer shall refund the amount deposited to the holder upon the surrender of the holder's properly endorsed certificate, provided that all residential solid waste bills and other charges have been paid. All bills for residential solid waste collection services must be paid promptly without reference to said deposit. Whenever any user of residential solid waste collection services has failed to pay for residential solid waste collection services rendered to such premises, the Finance Department may apply the money deposited, or any part thereof, to the payment of any such delinquent bills. The owner of the premises shall be required to pay the remainder.

(4) Indigent abatement.

(a) Any tenant or real property owner of any residential single-family dwelling unit or duplex dwelling unit shall be granted a 100 percent annual abatement of the above charges for residential solid waste collection services in any given year, subject to the following:

(i) The applicant shall file with the City an application for abatement, in a form approved by the City, which shall set forth sufficient facts to support the applicant's eligibility to receive the abatement.

(ii) The application shall include an affidavit setting forth the eligibility of the applicant for the abatement. The affidavit shall be signed by both husband and wife, if they seek abatement on a dwelling unit in which they both reside.

(iii) The applicant shall reside for not less than ten months of each year in the residence for which the abatement is requested.

(iv) The applicant's total household income for the year in which a claim for abatement has been filed shall not exceed the maximum income allowable for a

residential solid waste collection abatement fee as set forth in the Consolidated Fee Schedule.

(b) Any decision by the Finance Department relative to the abatement of residential solid waste collection fees may be appealed to the City Manager by filing a written notice of appeal with the City Manager within ten business days following the written decision of the Finance Department. Any decision of the City Manager may be appealed to the City Council by filing a written notice of appeal with the City Council within ten days following the written decision of the City Manager. The decision of the City Council shall be final.

(c) No abatement of fees for residential solid waste collection services shall be applied retroactively. The charges for any person applying for an abatement shall be abated only from the date the application is approved by the City, forward. Such abatement shall be effective only for the next succeeding 12-month period.

(Ord. No. 94-65 Enacted 06/30/1994)

**24-2-114. COLLECTION AND
TRANSPORTATION OF WASTE.*
(SECTION 13.0)**

(1) Approved collection and transportation required. Solid waste shall be collected and transported to prevent public health and safety hazards, unsanitary conditions and nuisances. (13.1)

(2) Removal of waste required. All solid waste not collected and hauled by a governmental entity in its regular waste collections shall be collected, hauled and disposed by the owner, occupant or licensed waste contractor as required by these regulations. Arrangements for licensed waste contractor service are the responsibility of the owner or occupant of the premises where waste materials are produced or located. (13.2)

(3) Frequency of collection.

(a) Solid waste, except bulky waste, shall be removed from the storage containers on residential premises and disposed at least once a week.

(b) Waste of every kind shall be removed from commercial, industrial, institutional, residential and recreational properties as often as necessary to prevent a nuisance, overfilling of storage containers, rodent harborage, or the creation of a fire hazard or unsanitary conditions, and at minimum once a week to prevent other adverse health or nuisance conditions.

(4) Placement of containers for collection. The Department may designate the time and place of solid waste collected and hauled by a governmental entity or a waste contractor. Containers of solid waste shall not be set out upon the street prior to the evening of the day before scheduled collection and shall be set out before 7 a.m. on the scheduled collection day. All empty containers shall be removed from the street the same day they are emptied. (13.4)

(5) Uncontained waste. No person shall place or cause to be placed upon any street or alley for collection any loose

paper, yard trimmings, or other solid waste. All such waste shall be properly contained, baled or securely tied before collection is made.

(6) **Bulky waste collection.**

(a) The Department may designate the time and place for collection of bulky waste, as defined in Section 24-2-101(2).

(b) Bulky waste items placed for collection shall not exceed 75 pounds in weight or five feet in length or width.

(c) No bulky waste shall be placed on any curbside or roadside earlier than one day prior to the scheduled collection date.

(d) Bundles of small limbs, twigs, and shrubs too large for containers shall be securely tied before being placed for bulky waste collection.

(e) It shall be unlawful to place on any curbside or roadside any of the following materials: construction and demolition waste, commercial waste, car bodies, tires, used oil, batteries, hazardous materials, rocks, brick, broken concrete, or dirt.

(7) **Burning or hot waste.**

(a) No person shall place smoking, smoldering or burning waste for collection and no collector or hauler shall provide service if waste materials show evidence of smoking, smoldering or burning.

(b) All waste in transit that must be dumped in an emergency due to smoking, smoldering or burning shall be cleaned up by the collector or hauler. The operator of the vehicle shall immediately notify the police and fire departments having jurisdiction. (13.7)

(8) **Spillage from container.** No person, waste contractor, or any employee of a governmental entity engaged in the collection and transportation of solid waste shall permit, allow or cause any solid waste to fall and remain on any property, place, building, premises, street, road or highway. If spillage occurs, the material shall be picked up immediately by the collector and returned to the vehicle or container and the area properly cleaned. If the waste was not properly contained pursuant to the requirements of these regulations, the waste shall be cleaned by the person responsible for the improper containerization of the waste. (13.8)

(9) **Transportation of waste material.** The waste collector shall be responsible for the satisfactory transportation of all solid waste to an approved site or facility. No person, waste contractor or any employee of a governmental entity engaged in waste collection and transportation shall:

(a) Permit or allow any vehicle loaded with manure, slops, swill, refuse, solid waste, or any other type of waste material to remain standing upon any public street any longer than necessary for loading and transporting.

(b) Haul, convey, or transport any manure, tree limbs, brush, clippings, solid waste, or any other type of waste material in any open truck, transfer vehicle, open trailer, or other open conveyances for a distance of five blocks or more without making a waste collection stop,

unless covered completely or secured to prevent littering. The duties and responsibilities imposed by this Section shall be applicable to both the owner of the vehicle and the operator.

(c) Operate any vehicle used for the collection and transportation of solid waste in a way that the contents fall, leak or spill. If spillage occurs, the material shall be picked up immediately by the collector or transporter and returned to the vehicle and the area properly cleaned.

(d) Convey, transport or haul any swill, sewage, sludge, fecal material or other similar solid waste, except in a sanitary receptacle or vehicle especially constructed for that purpose and with a current permit from the Department.

(e) Carry or haul any sewage or contents of any grease trap between the hours of 11 p.m. and 5 a.m. from May 1 to October 30 and between the hours of 10 p.m. and 6 a.m. from November 1 to April 30, unless authorized by the Department. (13.9)

(10) **Unloading of waste material.**

(a) All solid waste shall be unloaded only within a facility or site approved by the Department and all unloading shall be done according to the requirements of the approved site and the Department.

(b) Unless warranted by an emergency, such as severe weather conditions, equipment breakdown, or accident, no solid waste shall be allowed to remain or be stored in any collection or haulage vehicle in excess of 24 hours. (13.10)

(11) **Inspection of vehicle required for permit.** Vehicles used by waste contractors to haul or transport solid waste shall be inspected and approved by the Department. Upon making application for the required permit or license or both, each vehicle used in such business shall be made available to the Department for inspection. If the vehicle meets the requirements of Section 24-2-114(12) and is approved, the following documents shall be issued:

(a) An inspection report signed by the Director stating that the vehicle identified by the report has passed inspection.

(b) Two permit stickers that shall be placed on the vehicle by the Director to identify the vehicle as having been inspected for the current year. Such stickers shall not be removed, except by the Department, so long as the vehicle is used for hauling.

(c) A receipt showing payment of the permit fee. (13.11)

(12) **Vehicle requirements.** Each vehicle to be used by a waste contractor in the collection or transportation of solid waste shall meet the following requirements:

(a) The vehicle body shall be clean, easily cleanable and in good condition and repair.

(b) The body shall be metal-lined with steel and welded at all seams or constructed of other materials approved by the Department.

(c) The size capacity of the vehicle body or tank shall be certified by the manufacturer or a size certification company approved by the Department.

(d) The vehicle shall be easily loaded and emptied.

(e) The tailgate or hopper of the vehicle shall be constructed so that the contents of the body will not spill or blow from the vehicle while in motion.

(f) A heavy-duty canvas or other acceptable heavy-duty cover that is adequate in size to cover the open body of the vehicle shall accompany the vehicle.

(g) The outside of the body shall be painted and identified by the name and telephone number of the person(s) or company owning the vehicle and the size capacity of the truck body or tank in letters and numbers that are legible and at least three inches (7.6 centimeters) in height.

(h) All equipment attached to a vehicle hauling liquid or hazardous waste, including, but not limited to, pumps, hoses, valves and the containers or tanks or both used to contain the waste shall be water-tight and in good repair.

(i) The vehicle shall comply with all applicable air pollution and noise control ordinances and regulations. (13.12)

(13) Report required. At the request of the Department, a waste contractor or other person collecting and hauling solid waste shall report to the Department the names and addresses of all places of business or persons where collection of solid waste is made and where such waste is hauled or deposited. The report shall be made as required by the Department. (13.13)

(14) Continuing compliance required.

(a) A collection vehicle that fails to meet the requirements of these regulations shall be repaired or corrected within the time specified in the notice of violation. If the corrections are not made to the collection vehicle within the time specified in the notice of violation, its use shall be discontinued and the permit issued the owner of the vehicle shall be revoked pursuant to the revocation provision of Section 24-2-109(5) of these regulations.

(b) All equipment used for the collection and transportation of solid waste shall be maintained in good condition and cleaned with a frequency and method determined by the Department to prevent the propagation or attraction of flies, rodents or other vectors and prevent the creation of a nuisance.

(c) A vehicle shall be used to collect and transport only that type of solid waste for which it was approved when the permit was issued. (13.14)

(Ord. No. 94-65 Ren & Amd, 06/30/1994, 24-2-113)

24-2-115. PROCESSING FACILITIES. (SECTION 14.0)

(1) General requirements: Processing facilities shall be designed, constructed, operated and maintained:

(a) To protect the public health, safety and welfare;

(b) To prevent the creation of a nuisance, unsanitary condition, or potential public health hazard;

(c) To conform to the requirements of these regulations; and

(d) To conform to all applicable air, noise and water pollution control regulations of the Department, the state, county and other governmental entities. (14.1)

(2) Department approval required. Construction and operation of a processing facility shall not be initiated prior to the approval of the Department, and no significant modification, change or alteration shall be made in the construction or operation of a processing facility without the approval of the Department. No person shall operate a processing facility without first obtaining a permit from the Department and posting a bond if required in Sections 24-2-109 and 24-2-110 of these regulations. (14.2)

(3) Report required for approval and permit. Before approval to construct is given and before a permit to operate a processing facility is issued, a report for each proposed processing facility shall be submitted to the Department for review and approval. The plans for a processing facility shall be prepared by a registered professional engineer, except this requirement may be waived by the Department if justified by the size and simplicity of the facility. Unless otherwise directed by the Department, the report shall include:

(a) The name of the owner(s) of the processing facility and the person(s) responsible for the facility operations.

(b) The present and future population and area to be served by the facility.

(c) A legal description and site boundaries.

(d) A map or aerial photograph of the area showing the specific location of the processing facility and the land use and zoning within one-quarter mile (402 meters) of the facility. The map or aerial photograph shall be of sufficient scale and shall show all homes, industrial buildings, roads, topography and other applicable details. Boundaries of the processing facility and all such details shall be identified and indicated on the map or aerial photograph.

(e) A plot plan of the plant site, including:

(i) The means of limiting access, including but not limited to, fencing, gates and natural barriers;

(ii) The method of acceptably screening the facility from the surrounding area;

(iii) A general layout of equipment and flow pattern;

(iv) Road access; and

(v) The location of existing and proposed utilities servicing the processing facility.

(f) Detailed drawings and specifications of all structures, equipment, the storage area and the site plan.

(g) Design criteria, rated capacities and expected performance and emission data.

(h) Appurtenances and procedures intended:

(i) To handle heavy or bulky waste;

(ii) To store solid waste beyond the end of the working day;

(iii) To control or prevent dust, odors, fire, explosions, noise and wind-blown materials; and

(iv) To handle solid waste if there is a major processing plant breakdown.

(i) The number and types of vehicles used to transport solid waste into and out of the facility.

(j) The anticipated present and future type, quantity and sources of waste, including moisture content of waste to be handled in the processing facility.

(k) Methods of volume reduction, treating or processing, including, but not limited to, composting, compaction, compression, baling, shredding, grinding, tamping, separating and classifying.

(l) The names and locations of solid waste disposal sites where solid waste from the processing facility will be hauled.

(m) Methods of treating or disposing of any liquid waste resulting from the operation of the processing facility.

(n) The daily quantity of residue and the disposal location for all residue, including, but not limited to, by-products resulting from air pollution control devices and quench water.

(o) Salvaging, recycling, resource recovery or reclamation activities operated in conjunction with the facility, either on the incoming solid waste or the outgoing residue.

(p) A proposed plan for disposition or utilization of the processed compost or waste material, including copies of signed contracts for utilization or other evidence of assured utilization of composted or processed waste materials.

(q) The availability of shelter and sanitary facilities for operating personnel.

(r) Daily cleanup procedures.

(s) Any other information specifically requested by the Department to determine compliance with these regulations. (14.3)

(4) Inspection required on completion. Upon completion of construction and prior to initial operation, the Department shall be notified so that an inspection may be made of the facility to determine conformance with the approved plan and with the applicable provisions of these requirements. Performance tests of the processing facility may be required by the Department. A report covering the results of any performance tests shall be prepared by the design engineer of the project and submitted to the Department with a copy of all supporting data. (14.4)

(5) Minimum facility requirements. Unless otherwise ordered or approved by the Department, each processing facility and site shall be designed, operated, and maintained to meet the following minimum requirements:

(a) The processing facility and site shall be situated, equipped, operated and maintained to minimize interference with other community activities.

(b) Any processing facility located less than 500 feet (152.5 meters) from a residence shall be obscured by a fence at least eight feet (2.4 meters) high with 75 percent screening, whether the residence is established before or after installation of the facility. This rule may be modified or an exemption granted in writing by the Department if the Director is satisfied that the public health or welfare will not be adversely affected.

(c) All-weather roads negotiable by loaded vehicles shall be provided from the public highway or roads to and within the facility, and designed and maintained to prevent traffic congestion, traffic hazards, and air and noise pollution.

(d) A sign shall be posted at the entrance to the processing facility that indicates the name, permit number and hours of use; penalty for unauthorized use; necessary safety precautions; types of waste accepted or prohibited; and any other pertinent information that will ensure the health and safety of the public and employees.

(e) A building that is roofed and enclosed on at least three sides or otherwise enclosed shall be provided to satisfactorily control dust, litter and other solid waste.

(f) Scales shall be provided for accurately weighing all quantities of solid waste delivered to the processing facility.

(g) The unloading area shall be adequate in size and design to facilitate the rapid unloading of solid waste from collection vehicles with minimum delay or confusion.

(i) Unloading of solid waste shall take place only within the enclosed structure and approved designated areas. Solid waste shall be confined to the approved unloading, loading and handling areas.

(ii) Dust, odor and noise resulting from the unloading of solid waste and the operation of the processing facility shall be controlled at all times and comply with applicable laws.

(h) Transfer vehicles or trailers shall be loaded and operated to prevent dropping, leaking, sifting, blowing, or other escapement of solid waste.

(i) A processing facility shall only be used to process the type(s) of solid waste approved by the Department.

(i) Solid waste that is burning or at a temperature likely to cause fire shall not be accepted in the processing facility.

(ii) Any large, heavy or bulky items that cannot be handled in the routine operation shall be excluded from the facility unless special provision is made for handling.

(iii) Hazardous waste shall not be accepted at a processing facility unless the facility has received approval from the Department and meets the requirements of Sections 24-2-109 and 24-2-110.

(j) A sufficient number of transfer vehicles or trailers shall be available to preclude excessive storage of solid waste. Transfer vehicles or trailers containing garbage shall be removed or emptied as often as necessary to maintain good sanitation, but at least every 24 hours. Transfer vehicles and trailers shall be cleaned frequently to prevent a nuisance or insect breeding.

(k) All residue from the processing facility, including all solid waste remaining at the end of the working day, shall be promptly disposed at an approved site or properly stored in a way consistent with the applicable provisions of these regulations. Accumulations of garbage and refuse shall be controlled to minimize odors and prevent

infestation by insects or rodents. Supplemental effective vector control measures shall be initiated immediately by the operator if necessary to prevent or eliminate insects and rodents.

(l) Provisions shall be made to effectively collect, treat and dispose leachate or drainage from the processing operation. Floor surfaces shall be constructed of impervious materials; readily cleanable by flushing; and equipped with floor drains or a sump pump(s) connected to a sanitary sewer system or its equivalent, approved by the Department to facilitate the removal of moisture. A site shall be designed so that surface drainage will be diverted around or away from the operational area of the site. All waste water from the facility shall be discharged into a sanitary sewer or other system approved by the Department.

(m) Salvaging shall be conducted in a way that it prevents injury and interference with required facility operation and prevents the creation of an unsightly condition, nuisance or vector harborage. Salvaged material shall be removed from the facility within 24 hours, unless confined to an approved storage area(s). Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, pesticides, pathogenic or medical wastes, syringes, needles or other similar materials capable of impairing public health shall not be salvaged unless this is approved by the Department.

(n) Materials resulting from composting or similar processes and offered for sale to or use by the general public:

- (i) shall contain no pathogenic organisms;
- (ii) shall not reheat upon standing;
- (iii) shall be innocuous;
- (iv) shall be relatively odor-free;
- (v) shall contain no sharp particles that would cause injury to persons handling the compost; and
- (vi) shall not otherwise endanger the public health or safety.

(o) Adequate provisions shall be made for routine operational maintenance of the processing facility and all appurtenances.

(i) Processing facilities, including access roads, shall be cleaned as often as necessary to prevent conditions creating a health hazard or nuisance.

(ii) All plumbing shall be properly maintained and the floors well-drained and free of standing water.

(iii) Repair or replacement of operational equipment shall be made efficiently and quickly.

(p) If, for any reason the processing facility is rendered inoperable, an approved alternate method shall be used for solid waste processing or disposal.

(q) Equipment shall be provided to control accidental fires and arrangements made with the local fire protection agency to immediately receive services, if needed.

(r) Methods of communication shall be provided for emergency purposes, and all utility services properly maintained.

(s) Adequate shelter and sanitary facilities shall be available for facility or site personnel, including, but not

necessarily limited to, protection from cold and wet weather, hand washing and toilet facilities and drinking water.

(t) The processing facility shall be operated under the close supervision of responsible individuals who are familiar with the requirements and operational procedures of the facility. Qualified personnel shall be at the site to supervise activities during all hours of scheduled operation. Public access to the facility shall be limited to times when an operations employee is on duty. Visitors, users and employees of a site shall have restricted access to operations where explosion hazards exist or where hazardous waste is stored or handled.

(u) Reports or records shall be kept and submitted to the Department as requested describing:

- (i) The types and amounts of solid waste handled, composted, processed or treated;
- (ii) The amount of fuel, compost or other recovered or recyclable material produced from refuse;
- (iii) The amount and composition of by-products or residue removed;
- (iv) The disposition of by-products or residue;
- (v) Combustion temperatures and residence times; and
- (vi) Other information on the operation of the processing facility. (14.5)

(6) Termination of operation. Upon termination of the operation of a processing facility, the owner or operator shall notify the Department at least 30 calendar days prior to the termination date and submit any further information as deemed necessary by the Department. Following closure, an inspection shall be made by the Department and corrective repair done as directed by the Department. (14.6)

(Ord. No. 94-65 Renumbered 06/30/1994, 24-2-114)

24-2-116. DISPOSAL SITES.* (SECTION 15.0)

(1) Sanitary disposal required. Solid waste shall be disposed in a way that will protect the public health, safety and welfare and prevent air and water pollution. (15.1)

(2) Disposal of waste restricted. No person, city, town, municipality, county, or other governmental unit shall dispose of any solid waste at any place except at a disposal site approved by the Department, which is operated and maintained in accordance with the requirements of these regulations. (15.2)

(3) Department approval and bond required.

(a) No construction or operation of a disposal facility or site shall be initiated before plans and specifications are approved in writing by the Department.

(b) No significant modifications shall be made in any disposal site or its operations without the approval of the Department.

(c) No person shall operate a disposal site without first obtaining a valid permit from the Department and posting a bond, if required in Sections 24-2-109 and 24-2-110 of these regulations. (15.3)

(4) Report and approval required for permit. Before issuance of approval to construct or a permit to operate a disposal site, a report shall be submitted to the Department for review and approval. The report shall be prepared by a registered professional engineer, except this requirement may be waived by the Department if justified by the size, simplicity or location of the disposal site. Unless otherwise directed by the Department, the report shall include the following information:

(a) The names of persons responsible for actual operation and maintenance of the site and the number of personnel to be employed at the site.

(b) The present and future population and area to be served by the proposed site.

(c) Evidence of land ownership or lease agreements.

(d) The total area of the proposed site.

(e) A plat, map, or aerial photograph that accurately shows the exact location of the proposed disposal site, current land use and zoning within one-quarter mile (402 meters) of the site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, airports, wells, watercourses, surface drainage channels, rock outcroppings, roads, general topography, and other applicable details. All such details shall be identified and indicated on the plat, map or aerial photograph.

(f) A soil description to a depth of at least five feet (1.5 meters) below the proposed site or proposed excavations and a general description of geology of the area. Data shall be obtained by soil borings, trenching or other method(s) approved by the Department.

(g) A description of surface water within one-quarter mile (402 meters) of the land disposal site, including seasonal variations; a description of minimum and maximum groundwater elevations throughout the site; groundwater flow patterns; and groundwater quality and quantity. In addition, the Department may require groundwater monitoring wells and a water quality sampling and analysis program of ground and surface waters prior to construction and operation of a site, during operation of a site, and after closure of a site. If the program is required, the following provisions of the program shall be submitted for Departmental approval:

(i) The number, location and depth of the wells;

(ii) Methods of construction of the wells;

(iii) The name of the person(s) to perform the sampling, the sampling frequency, and sampling period;

(iv) The type of analysis that is to be performed;

(v) The method(s) of analysis; and

(vi) The name of the laboratory performing the analysis.

(h) The availability, source, and characteristics of cover material.

(i) Potential leachate and decomposition gas generation, including the amount and physical and chemical characteristics; proposed leachate and decomposition gas

control systems, if necessary, including the method(s) of monitoring, collection, treatment, and necessary disposal.

(j) The anticipated type, quantity, and source of solid waste to be deposited at the site.

(k) The intended operating program and procedures, including:

(i) The hours and days of operation;

(ii) Existing and proposed utilities;

(iii) The method and plan of landfilling;

(iv) The type and availability of equipment for efficient excavating, earth moving, spreading, compaction and other needs;

(v) Fencing for control of access and the prevention of scattering of waste material by wind;

(vi) Provisions for fire control;

(vii) Provisions for handling special or hazardous wastes or both;

(viii) Employee facilities; and

(ix) Any other pertinent information that clearly indicates the orderly development, operation and completion of the sanitary landfill.

(l) Evidence of year-round accessibility, including an all-weather road to the site.

(m) The expected life span of the site, the anticipated use of the land following completion as a disposal site, and the program for maintaining the site following closure, as required in Section 24-2-116(7) of these regulations.

(n) Any other information specifically requested by the Department to ensure compliance with these regulations. (15.4)

(5) Basis and procedure for plan approval. The following conditions and procedures of plan approval shall be followed:

(a) Plan approval will depend, in part, upon adequate isolation, avoidance of excessively irregular topography, groundwater elevations, extremely pervious soil formations, surface rock formations and outcroppings, and close proximity to natural drainage channels. There shall be at least five feet (1.5 meters) of separation between the bottom of disposal trenches and the highest groundwater elevation. Exceptions to this requirement will be considered on a case-by-case basis, but only if the site can be modified to demonstrably preclude any wetting of deposited waste by groundwater.

(b) Upon approval of the plans and supporting information, persons concerned will be notified in writing by the Department. Approval will include appropriate limitations on types of solid waste to be accepted.

(c) The Department may revise its approval or disapproval to construct or operate a site in order to make it compatible with new regulations that are adopted by the Department. (15.5)

(6) Minimum site requirements. Unless otherwise ordered or approved by the Department, each sanitary landfill or land disposal site shall be designed, constructed, operated and maintained to meet the following minimum requirements:

(a) Only waste for which the site has been designed and for which the Department has given approval shall be accepted at the site.

(b) The site shall be designed, constructed, operated and maintained in a way that will protect the health and safety of individuals employed at the site, users of the site, and the public.

(i) A safety manual shall be available for use by employees and they shall be instructed in application of the manual's procedures.

(ii) Personal safety devices, including, but not limited to, hard hats, gloves, safety glasses and footwear, shall be required for site employees.

(iii) Safety devices, including, but not limited to, rollover protective structures, seat belts, audible reverse warning devices and fire extinguishers, shall be provided on all equipment used to spread and compact solid wastes or cover material.

(iv) Communications equipment shall be available on site for emergency situations.

(c) Qualified personnel shall be at the site to supervise activities during all hours of scheduled operation.

(d) The site shall not allow uncontrolled public access, and the site shall be accessible only when operating personnel are on duty.

(e) A sign shall be posted at the entrance to the site that indicates the name, permit number, hours of use, penalty for unauthorized use, necessary safety precautions, types of waste accepted or prohibited, and any other pertinent information to ensure the safety and health of the public and employees. Signs shall be posted to direct traffic in an orderly manner, to show general discharge areas, restrictions and access to hazardous waste or special waste disposal areas, and to maintain efficient operating conditions.

(f) The supervisor or other responsible person shall keep records of amounts and types of solid waste accepted. This may be done by weighing the material brought to the site, measuring the volume of waste deposited, or estimating the area filled on the site. The amount and location of area completed shall be recorded and kept on file. Such records shall be made available to the Department upon request.

(g) Dust shall be controlled at the site and along access roads as necessary to maintain the comfort and health of employees and users of the site and to comply with applicable air pollution control ordinances and regulations.

(h) Access roads and the site shall be cleaned as often as necessary to prevent unsightly conditions caused by blowing papers and other misplaced refuse.

(i) All solid waste shall be unloaded and deposited only in those areas of the site designated by site personnel and as authorized by the Department in the plan approval.

(j) Adequate equipment for trenching, compacting and covering shall be available.

(k) All solid waste shall be compacted to the greatest degree practical. The working face shall be limited to the smallest area practical to confine the amount of

exposed waste without interfering with effective operation procedures.

(l) At least six inches (15.2 centimeters) of cover material shall be placed daily over all solid waste received each day or as often as directed by the Department, after compaction to the smallest practical volume. Cells that will not have additional solid waste placed on them for three months or more shall be covered with 12 inches (30.5 centimeters) of cover material. A minimum of two feet (61 centimeters) of cover material shall be placed over any completed segment of the site.

(m) Salvaging shall be conducted in a way that it prevents injury, interference with required site operation, and the creation of a health hazard, nuisance or vector harborage. Drugs, cosmetics, foods, beverages, hazardous chemicals, poisons, pesticides, pathogenic or medical wastes, syringes, needles, or other similar materials capable of impairing public health shall not be salvaged unless approved by the Department. Scavenging shall be prohibited.

(n) Insects and rodents or other disease or nuisance vectors shall be controlled at the site through minimization of food and harborage and through initiation of additional control programs if vector populations become established.

(o) No open burning shall be permitted. Provisions shall be made to extinguish any fires in solid waste being delivered to the site or that occur at the working face or within equipment or personnel facilities.

(p) A disposal site shall not cause:

(i) A discharge of pollutants into the waters of the United States that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Clean Water Act as amended.

(ii) A discharge of dredged material or fill material into waters of the United States that is in violation of the requirements under Section 404 of the Clean Water Act as amended.

(iii) Nonpoint source pollution of waters of the United States that violates applicable legal requirements implementing an area-wide water quality management plan that has been approved by the Administrator of the United States Environmental Protection Agency under Section 208 of the Clean Water Act as amended.

(q) Surface water runoff shall be controlled at the site by the following measures:

(i) Final grading of the site shall promote rapid surface runoff without excessive erosion.

(ii) The site shall be equipped with suitable channeling devices, including, but not limited to, ditches, berms or dikes, to divert surface runoff from the land area contiguous to the site.

(iii) Final cover material shall be well-compacted to enhance runoff while minimizing infiltration.

(iv) Runoff not contaminated by solid waste or by leachate shall be routed to a settling basin or by other equally effective control measures to remove sediment before discharge to a receiving stream.

(v) The final soil cover on any completed portion of the site shall be seeded or otherwise vegetated to minimize erosion and maximize evapotranspiration.

(r) A disposal site shall not contaminate an underground drinking water source or the groundwater beyond the boundary of the disposal site as established in the plan approved by the Department. For the purpose of this section, "contaminate" means the introduction of a substance that would cause the concentration of that substance in the groundwater to exceed the maximum contaminant level specified by state or federal law or the Department, or the introduction of a substance that would cause an increase in the concentration of that substance in the groundwater if the existing concentration of that substance exceeds the maximum contaminate level specified by state or federal law or the Department.

(s) Surface water, groundwater, and decomposition gases shall be monitored to determine when remedial action plans are to be implemented:

(i) Monitoring wells or other monitoring devices shall be installed and maintained as approved or directed by the Department.

(ii) Samples from the monitoring wells or other monitoring devices for surface and groundwater shall be collected and analyzed prior to disposal of solid waste in order to obtain baseline data.

(iii) Samples shall be collected from all monitoring wells or devices and analyzed at least once a year and more often if directed by the Department. Copies of the required analysis shall be submitted to the Department within 30 calendar days after sampling, unless otherwise directed by the Department.

(iv) Monitors or suitable probes shall be used to enable detection of gases migrating from the site. Explosive gases shall be monitored for their presence above the lower explosive limit. Toxic or asphyxiating gases shall be monitored periodically on a schedule approved by the Department.

(t) If required by the Department, leachate control shall be accomplished by one or more of the following practices:

(i) The bottom of the disposal site shall be five feet (1.5 meters) or more above the seasonal high groundwater table.

(ii) Leachate monitoring devices shall be appropriately placed to monitor the passage of leachate from the site to the groundwater.

(iii) The water table shall be lowered.

(iv) There shall be no uncontrolled hydraulic connection between the site and standing or flowing surface water.

a. Surface runoff diversion structures shall be constructed surrounding the landfill that are capable of diverting away from the landfill all of the surface water runoff from upland drainage areas.

b. Disposal sites located in the 100-year floodplain shall have a dike of sufficient structural strength and height to prevent inundation.

(v) If natural hydrogeologic conditions are unable to eliminate the impact of the total quantity of leachate upon underlying groundwater, the bottom of the site shall be lined with low permeability soil or other approved material. If natural hydrogeologic conditions are virtually incapable of eliminating the impact of any leachate upon the underlying groundwater, the escape of leachate from the bottom and sides of the site shall be prevented by the placement of liners and constant drainage systems. Such liners shall have:

a. A permeability of 1×10 (to the minus 7th degree) centimeters per second (one inch or 2.54 centimeters per year) or less.

b. The ability to resist physical and chemical attack by leachate.

c. The capability of maintaining integrity for the design life.

d. A minimum thickness of 12 inches (30.5 centimeters) for natural soil liners and a minimum thickness of twenty mils for synthetic membrane liners, unless otherwise approved by the Department.

(vi) Leachate collection, treatment and disposal shall be:

a. Discharged into a municipal or industrial wastewater treatment system if the discharge does not impede the operation of the wastewater treatment system;

b. Disposed by controlled application onto the surface of land if sufficient acreage is available and hydrology, soil type, vegetation, topography and climate for leachate disposal are suitable and groundwater contamination will not occur;

c. Recirculated onto active or completed sections of the site; or

d. Accomplished using other methods approved by the Department.

(u) Decomposition gases shall be prevented from migrating to other property or from concentrating in such volume that a danger of explosion or toxicity hazard is created. The concentration of explosive gases generated by the site shall not exceed 25 percent of the lower explosive limit for the gases in a site structure, except for gas control or recovery system components. Explosive gases shall not exceed the lower explosive limit for the gases at the property line. For the purpose of this section "lower explosive limit" shall mean the lowest percentage by volume for mixture of explosive gases that will produce a flame in the air at 76.8 degrees F (25 degrees C) and atmospheric pressure using a testing method approved by the Department. Gas control shall be accomplished:

(i) By restricting from disposal at the site volatile solid waste materials with a known high potential for release of harmful gases as a result of chemical reaction;

(ii) By construction barriers of natural or artificial materials to prevent the horizontal migration of gases;

(iii) By constructing venting or exhaust systems consisting of gravel-filled trenches, or perforated pipe or both;

(iv) By providing a combination of barriers or venting systems; or

(v) By using other methods approved by the Department.

(v) Water treatment plant and digested wastewater treatment plant sludges containing no free moisture shall be placed on the working face and covered with municipal solid waste.

(w) Bulky wastes, including, but not limited to, automobile bodies, furniture, appliances and similar items shall be crushed and deposited on the working face near the bottom of the cell or in a separate disposal area. Other bulky items, including, but not limited to, demolition and construction debris, tree trunks, stumps and large timbers shall be deposited on the working face near the bottom of the cell or in a separate disposal area.

(x) Dead animals received at the site shall be deposited on the working face at or near the bottom of the cell with other solid waste or in a separate disposal area, provided they are covered immediately with at least six inches (15.2 centimeters) of cover material to prevent odors and the attraction, propagation and harborage of rodents and insects.

(y) Any land disposal site disposing of garbage that may attract birds and that exists within 10,000 feet (3,048 meters) of any airport runway used by turbo-jet aircraft or within 5,000 feet (1,524 meters) of any airport runway used by only piston-type aircraft shall ensure there is not a bird hazard to aircraft.

(z) In addition to the requirements given in these regulations, a disposal site located in the 100-year floodplain shall not:

(i) Restrict the flood that has a one percent or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period;

(ii) Reduce the temporary water storage capacity of the floodplain; and

(iii) Result in solid waste being washed out or carried away by the waters of a flood.

(aa) Adequate shelter and sanitary facilities shall be available for facility or site personnel, which shall include, but not necessarily be limited to, protection from cold and wet weather, hand washing and toilet facilities and drinking water. (15.6)

(7) Closing of land disposal sites:

(a) Any person owning or operating a disposal site shall, prior to closure of the site, furnish the Department at least a 30-calendar day written notice.

(b) If directed by the Department, a maintenance program shall be initiated immediately following closure of a completed site and continued by the owner or operator for as long as deemed necessary by the Department. The maintenance program may include, but not necessarily be limited to, the following:

(i) Monitoring and analysis of surface water, groundwater and decomposition gases;

(ii) Leachate and decomposition gas management, including collection, storage, transportation and treatment;

(iii) Land surface care, including proper drainage, erosion prevention, settlement and vegetation. (15.7)

(8) Closing of existing or abandoned open dumps. Existing or abandoned open dumps shall be closed within two years following the effective date of these regulations, or sooner if ordered by the Department and in accordance with the following requirements:

(a) Absence of rats and other vermin shall be positively established. If rats or other vermin are present, an extermination procedure shall be established and carried out by qualified individuals prior to closing.

(b) All fires shall be extinguished before final cover of earth is applied.

(c) All solid wastes shall be consolidated, compacted and covered with at least two feet (61 centimeters) of suitable cover material.

(d) The final grading shall be accomplished to provide proper surface drainage and to avoid ponding.

(e) If feasible, the area should be planted with grass or other vegetation.

(f) Any other corrective measures to protect the public health, safety or welfare shall be made as directed by the Department. (15.8)

(Ord. No. 94-65 Renumbered 06/30/1994, 24-2-115)

24-2-117. NOTICE.* (SECTION 16.0)

(1) Department to notify owners or others of violations. If the Director has inspected any property and has found and determined that the property is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, he shall give notice of the violation(s) to the owner(s) or other responsible person(s) thereof. (16.1)

(2) Department to issue written notice of violation(s). Prior to initiating a court complaint for the violation of these rules and regulations, the Director shall issue a notice pursuant to Section 24-2-117(1) and shall:

(a) Describe the property;

(b) Give a statement of the cause for its issuance;

(c) Set forth an outline of the remedial action that complies with the provisions of these regulations; and

(d) Set a reasonable time for the performance of any required remedial act. (16.2)

(3) Department to serve notice. The Director shall serve notice upon the owner(s) of the property or other responsible person(s) pursuant to Sections 24-2-117(1) and 24-2-117(2) of these rules and regulations. Service shall be deemed complete if the notice is served in one of the following ways:

(a) Served in person;

(b) Sent by certified mail to the last known address of the owner(s) or other responsible person(s); or

(c) Published in a newspaper of general circulation. (16.3)

(Ord. No. 94-65 Ren & Amd, 06/30/1994, 24-2-116)

24-2-117. ENFORCEMENT. (SECTION 17.0)

(1) Department to ensure compliance. It shall be the duty of the Director upon the presentation of proper credentials, to make inspections of any property where solid waste is accumulated, stored, or where a facility or site is located or will be located as is necessary to ensure compliance with these regulations. (17.1)

(2) Inspection made with consent. Departmental inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction. (17.2)

(3) Owners may request a factual report of inspections. Upon request, the owner(s) or other responsible person(s) of any property shall receive a report setting forth all facts found that relate to his compliance status. (17.3)

(Ord. No. 94-65 Renumbered 06/30/1994, 24-2-117)

24-2-119. RIGHT TO APPEAL. (SECTION 18.0)

Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within 10 calendar days after the request is received. A written notice of the Director's final determination shall be given within 10 calendar days after adjournment of the hearing. The Director may sustain, modify or reverse the action or order.

(Ord. No. 94-65 Renumbered 06/30/1994)

24-2-120. PENALTY. (SECTION 19.0)

(1) Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class "B" misdemeanor, pursuant to Section 26-24-22, Utah Code Annotated 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class "A" misdemeanor, pursuant to Section 26-24-22, Utah Code Annotated 1953, as amended. (19.1)

(2) Each day such violation is committed or permitted to continue shall constitute a separate violation. (19.2)

(3) The city attorney or, if appropriate, the county attorney, may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. (19.3)

(4) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or

abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation. (19.4)

(Ord. No. 94-65 Renumbered 06/30/1994)

24-2-121. SEVERABILITY. (SECTION 20.0)

If any provision, clause, sentence or paragraph of these rules and regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules and regulations. The valid part of any clause, sentence or paragraph of these regulations shall be given independence from the invalid provisions or application and to this end, the provisions of these regulations are hereby declared to be severable.

(Ord. No. 94-65 Renumbered 06/30/1994)

24-2-122. EFFECTIVE DATE. (SECTION 21.0)

These rules and regulations shall become effective fifteen days after their enactment by the Salt Lake City-County Board of Health.

(Ord. No. 94-65 Renumbered 06/30/1994)

CHAPTER 24-3
RESERVED (REGULATION #2)

|

CHAPTER 24-4
RESERVED (REGULATION #3)

|

CHAPTER 24-5
RESERVED (REGULATION #4)

|

CHAPTER 24-6
RESERVED (REGULATION #5)



**CHAPTER 24-7
LANDSCAPE, PROPERTY, AND BUILDING
MAINTENANCE**

Sections:

- 24-7-101. Definitions.
- 24-7-102. Purpose.
- 24-7-103. Real Property; Required Landscaping; Maintenance Requirements.
- 24-7-104. Real Property Maintenance.
- 24-7-105. Maintenance of Structures.
- 24-7-106. Parkway Maintenance
- 24-7-107. Failure to Properly Maintain Landscaping Property or Structures.

24-7-101. DEFINITIONS.

For the purpose of these regulations, the following terms, phrases and words shall have the meaning herein expressed:

- (1) Department: means the West Valley City Community and Economic Development Department.
- (2) Director: means the West Valley City Community Development Director or designee.
- (3) Eradicate or Eradication: means the complete elimination or destruction of all ordinance violations relating to landscape, property or buildings.
- (4) "Landscape or Landscaping" means the improvement of property through the addition of plants and the eradication of weeds and other deleterious material. Landscaping includes trees and may also include a combination of shrubbery, lawn, and vegetative or non-vegetative permeable groundcover. These may be further complemented with earth berms, walls and fences, all harmoniously combined to produce an aesthetic effect appropriate for the intended use. Landscaping may be designed to enhance and preserve natural features of a site, to make land more attractive for residential or other uses, to screen unattractive uses, or to act as buffers to visually separate different types of uses.
- (5) Landscape or Landscaping Maintenance: means maintaining or keeping any landscaping or any area required to be landscaped:
 - (a) in a live condition, with consideration for common growth and water needs;
 - (b) free from weeds, disease, pests, litter and all other nuisances;
 - (c) fertilized, trimmed, edged, mulched and in a clean and living condition in compliance with regionally accepted horticultural practice.
- (6) Maintain or Maintenance means when an object, structure, or other ordinance requirement is kept in working order or generally acceptable appearance by conducting necessary or ordinary repairs from time to time to keep such object, structure or ordinance requirement in working order.
- (7) Owner: Any person, who alone or jointly or severally with others:

- (a) Has legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (b) Has charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, administrator, trustee or guardian of the estate of the owner.

(8) Parkway: means the area, which is within a public street right of way, that is located between the back of the curb (or edge of pavement if there is no curb) and the sidewalk or, if there is no sidewalk, the edge of the right of way. Parkways are often referred to as park strips.

(9) Person: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, municipal corporation, county, city, political subdivision, or any legal entity recognized by law.

(10) Solid Waste:

- (a) Garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-liquid waste, and other spent, useless, worthless or discarded materials;
- (b) Materials stored or accumulated for the purpose of discarding;
- (c) Materials that have served their original intended purpose; or
- (d) Waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational or community activities.
- (e) Materials resulting from unmaintained landscaping or buildings whether in a residential, commercial or other zone.
- (f) Except it does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Chapter 11, Title 26, Utah Code Annotated 1953, as amended, or under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251, et seq. (1.6)

(Ord. No. 05-20 Enacted 04/19/2005; Ord. No. 05-56 Amended 12/20/2005)

24-7-102. PURPOSE.

It is the purpose of these regulations to provide for the cleaning of real property, securing, maintenance or removal of structures, control of weeds and maintenance, removal or eradication of unmaintained landscaping, property or structures in City, in a way that will:

- (1) Prevent fire hazards; (2.1)
- (2) Prevent insect, rodent and other vermin harborage;
- (3) Prevent induction of hazardous pollens into the air;
- (4) Prevent further spreading of vegetation that threatens the public health, safety or welfare;

(5) Abate the existence or condition of objects, structures or solid waste that threaten the public health, safety, or welfare or that create a public nuisance; or negatively affects the City's image, property values or neighborhood success.

(6) Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair or cleaning.

(7) Enhance the appearance of property, increase property values and encourage neighborhood creation and maintenance within the City.

(8) Protect property values and improve the health and safety and appearance of the City by requiring that all landscaping and areas required to be landscaped be maintained in an appropriate and effective manner.

(9) Protect property values and improve the health and safety and appearance of the City by requiring that all Property to include all physical structures be maintained in an appropriate and effective manner.

(Ord. No. 05-20 Enacted 04/19/2005)

24-7-103. REAL PROPERTY; REQUIRED LANDSCAPING; MAINTENANCE REQUIREMENTS.

(1) All developed residential parcels in the City shall have and maintain the following landscaping:

- (a) Landscaping shall be installed in front yards between the front line of the house and the sidewalk on the entire width of the lot excluding the driveway. On corner lots, landscaping shall be installed in all areas between the sidewalk and the side line of the house between the front property line and the rear property line which are visible from the public right-of-way.
- (b) Landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover. Deciduous trees shall be a minimum size of 2-inch caliper. Conifer trees shall be at least six feet in height. Groundcover may include vegetative vines, low-spreading shrubs, or annual or perennial flowering or foliage plants. Groundcover may also include mineral or nonliving organic permeable material in not more than 50 percent of the net landscaped area. Mineral groundcover may include such materials as rocks, boulders, gravel, or brick over sand. Species, size, and placement of landscape elements shall be determined by the homeowner; however, low-water use landscaping is encouraged.
- (c) At the time the water supply line to a house is installed, the builder shall furnish and install a stop-and-waste valve with an access sleeve and capped mainline to the surface to facilitate future sprinkler system installation. The stop-

and-waste valve may also be located inside the home with a mainline extended to the exterior of the foundation wall and capped.

- (d) On lots over one-half acre in size, landscaping shall only be required on 80 feet of street frontage to the depth of the front yard setback. On corner one-half acre lots, 80 feet of frontage shall be landscaped on each street. The 80-foot frontage may include customary access drives.

(2) All developed non-residential lots shall acquire and maintain landscaping as set forth in Title 7 of the West Valley City Municipal Code.

(3) It shall be unlawful for any person owning or occupying real property within West Valley City, to fail: To provide landscaping in all areas where landscaping exists or is required to exist. This shall apply to all real property throughout the City regardless of age of development, zone or status.

To install, maintain, replace or repair landscaping in all areas where it is required to exist or does exist.

(Ord. No. 05-20 Enacted 04/19/2005)

24-7-104. REAL PROPERTY MAINTENANCE.

It shall be unlawful for any person owning or occupying real property within West Valley City, to fail:

- (1) To properly maintain real property including but not limited to concrete, fencing, lighting, non-attached structure items, retaining walls, sheds, or mailboxes.
- (2) To maintain, repair or replace fencing and to clear any weeds or other noxious plant material that is growing through around, under or up into fences.
- (3) To maintain any fencing that is falling down, hazardous, being used as a retaining wall or is unsightly.
- (4) To park any motorized or non motorized vehicle, camper, trailer or boat on an ordinance approved location as set forth in Title 7 of the West Valley City Municipal Code.

(Ord. No. 05-20 Enacted 04/19/2005)

24-7-105. MAINTENANCE OF STRUCTURES.

It shall be unlawful for any person owning or occupying real property within West Valley City, to fail to:

- (1) Maintain all buildings and other structures to the minimum standards required by the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings.
- (2) Maintain each exterior window of a building with an intact and unbroken window pane with an appropriate screen that shall remain in place at all times.
- (3) Provide each exterior doorway with an appropriate door as required by the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings.

(4) Provide and maintain weatherproofing on all exterior surfaces that protect the building such as paint, masonry, siding, stucco, roof coverings, rain gutters, garage doors, and carports as required by the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings.

(Ord. No. 05-20 Enacted 04/19/2005)

24-7-106. PARKWAY MAINTENANCE

(1) Landscaping or concrete shall be installed in all parkways. A permit is required to install concrete in parkways as required in Section 19-2-701.

(2) When a parcel is adjacent to a street that includes a parkway, the owner of such parcel shall be responsible for:

- (a) The landscaping or concrete installation within the parkway and
- (b) The maintenance of the parkway unless the City has agreed through a development agreement to maintain the parkway.

Ord. No. 05-56 Enacted 12/20/2005)

24-7-107. FAILURE TO PROPERLY MAINTAIN LANDSCAPING PROPERTY OR STRUCTURES.

(1) If the responsible person(s) fail to comply with this Ordinance, the Department may, in addition to other legal action:

- (a) Undertake or cause the required maintenance;
- (b) Repair, replace or maintain landscaping that exists or is required to exist.

(2) The Department, upon approved completion of the work, shall:

- (a) Prepare an itemized statement of all costs, including administrative expenses.

(Ord. No. 05-20 Enacted 04/19/2005; Ord. No. 05-56 Renumbered 12/20/2005)

**CHAPTER 24-8
CLEANING OF REAL PROPERTY, WEED CONTROL
AND GRAFFITI REMOVAL**

Sections:

- 24-8-101. Definitions.** (Section 1.0)
- 24-8-102. Purpose.* (Section 2.0)
- 24-8-103. Jurisdiction.* (Section 3.0)
- 24-8-104. Scope. (Section 4.0)
- 24-8-105. Real property to be kept clean and secured.* (Section 5.0)
- 24-8-106. Standards for Weed Control.* (Section 6.0)
- 24-8-107. Notice. (Section 7.0)
- 24-8-108. Enforcement. (Section 8.0)
- 24-8-109. Department authority to clean and secure property and remove graffiti upon responsible person failure to comply.* (Section 9.0)
- 24-8-110. Alternate Methods of Compelling Payment.* (Section 10.0)
- 24-8-111. Collection by Lawsuit.* (Section 11.0)
- 24-8-112. Collection through Taxes.* (Section 12.0)
- 24-8-113. Examination and Investigation.* (Section 13.0)
- 24-8-114. Right to Appeal.* (Section 14.0)
- 24-8-115. Penalty.* (Section 15.0)

24-8-101. DEFINITIONS.* (SECTION 1.0)

For the purpose of these regulations, the following terms, phrases and words shall have the meaning herein expressed:

- (1) Department: The West Valley City Community Development Department. (1.1)
- (2) Director: The West Valley City Community Development Director or his authorized representatives. (1.2)
- (3) Eradication: The complete destruction of weeds by chemicals, root removal or any other method approved by the Department. (1.3)
- (4) Owner: Any person, who alone or jointly or severally with others:
 - (a) Has legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - (b) Has charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. (1.4)
- (5) Person: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, municipal corporation, county, city, political subdivision, or any legal entity recognized by law. (1.5)
- (6) Solid Waste:
 - (a) Garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-

- liquid waste, and other spent, useless, worthless or discarded materials;
- (b) Materials stored or accumulated for the purpose of discarding;
- (c) Materials that have served their original intended purpose; or
- (d) Waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational or community activities.
- (e) Except it does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Chapter 11, Title 26, Utah Code Annotated 1953, as amended, or under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251, et seq. (1.6)
- (7) Weeds:
 - (a) Vegetation that has become a fire hazard;
 - (b) Vegetation that is noxious, a nuisance or dangerous, as determined by the Director;
 - (c) Grasses, stubble, brush, tumbleweeds, clippings and cuttings that endanger the public health and safety by creating a fire hazard; insect, rodent or other vermin harborage, or other nuisance;
 - (d) Poison ivy; and
 - (e) Plants specified as weeds in the Utah Noxious Weed Act, Title 4, Chapter 17, Utah Code Annotated, and its subsequent regulations. (1.7)
- (8) Abate means to put an end to any condition which is considered a violation of this Chapter. (1.8)
- (9) Deleterious means anything injurious to the health, safety or welfare of other persons. (1.9)
- (10) Property means any form of real property, including a habitable structure or any structure that is appurtenant thereto, object, or anything that is visible or tangible. Specifically including, but not limited to, hedges, automobiles, etc. (1.10)
- (11) Structure means anything constructed or erected which requires location on or below the ground, specifically including, but not limited to, fences, wells, poles, buildings or sheds. (1.11)
- (12) Unightly means offensive to the visual senses as reasonably determined by the Department. (1.12)
- (13) Graffiti means the unauthorized spraying of paint or marking of ink, chalk, dye or other similar substances on public and private structures. For the purposes of Section 10-11-1, et seq., Utah Code Annotated, graffiti is deleterious and unsightly.

(Ord. No. 05-35 Amended 08/16/2005)

24-8-102. PURPOSE.* (SECTION 2.0)

It is the purpose of these regulations to provide for the cleaning of real property, securing, maintenance or removal of structures, control of weeds and removal or obliteration of

graffiti from structures within West Valley City, in a way that will:

- (1) Prevent fire hazards; (2.1)
- (2) Prevent insect, rodent and other vermin harborage; (2.2)
- (3) Prevent induction of hazardous pollens into the air; (2.3)
- (4) Prevent further spreading of vegetation that threatens the public health, safety or welfare; (2.4)
- (5) Abate the existence or condition of objects, structures or solid waste that threaten the public health, safety, or welfare or that create a public nuisance; (2.5)
- (6) Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair or cleaning.
- (7) Enhance the appearance of property and reduce communication between criminal elements by elimination of graffiti on structures within the City. (2.6)

24-8-103. JURISDICTION.* (SECTION 3.0)

All cleaning, maintenance or removal of property, weed control and graffiti removal or obliteration enumerated in this Chapter shall be subject to the direction and control of the Department.

24-8-104. SCOPE. (SECTION 4.0)

It shall be unlawful for any person not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations.

24-8-105. REAL PROPERTY TO BE KEPT CLEAN AND SECURED.* (SECTION 5.0)

It shall be unlawful for any person owning or occupying real property within West Valley City, after receiving written notice from the Department to fail:

- (1) To maintain the height of weeds on the property, including adjacent parking strip(s), alley(s) and street edge(s) as required in Section 24-8-106. (5.1)
- (2) To remove from the property and lawfully dispose of all cuttings from weeds or solid waste. (5.2)
- (3) To effectively secure any vacant structure. (5.3)
- (4) To maintain or repair any unsightly or deleterious objects or structures, as defined in this Chapter. (5.4)
- (5) To remove from the property and lawfully dispose of any unsightly or deleterious objects or structures. (5.5)
- (6) To remove or obliterate any graffiti from or on any structure located upon any real property within the City, when the graffiti is visible from the street or other public or private property.

24-8-106. STANDARDS FOR WEED CONTROL.* (SECTION 6.0)

Weeds shall be maintained at a height of not more than six inches (15.2 cm) at all times, and the cuttings shall be promptly cleared and removed from the premises.

- (1) Weeds must be eradicated by chemicals, cutting, or other acceptable method so they do not exceed six inches (15.2 cm) in height. (6.1)

(2) Weeds that are rototilled, disked, or removed by the root must be buried under the soil, removed from the property, or composted as allowed by law. (6.2)

(3) If the Department determines that the large size of the property makes the cutting of all weeds impractical, the Department may issue an order limiting the required removal of weeds as described in subsection (2) to create a firebreak of not less than 25 feet in width around any structures and around the complete perimeter of the property. (6.3)

(4) Except that real property not in close proximity to buildings or not creating a serious nuisance or fire hazard may be exempted by the Department from the weed control requirements. (6.4)

(Ord. No. 94-88 Amended 08/15/1994; Ord. No. 96-29 Amended 05/20/1996)

24-8-107. NOTICE. (SECTION 7.0)

(1) Department to notify owner(s) or other(s) of violations. If the Department has inspected any premises and has found and determined that the property is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, or has determined that graffiti exists on a structure which is visible from the street or other public or private property, he shall give notice of the violation(s) to the owner(s) or other responsible person(s) thereof. (7.1)

(2) Department to issue written notice of violation(s). Prior to initiating a court complaint for the violation of these rules and regulations, the Department shall issue a notice pursuant to Section 24-8-107(1) and shall:

- (a) Describe the property;
- (b) Give a statement of the cause for its issuance;
- (c) Set forth an outline of the remedial action that complies with the provisions of these regulations; and
- (d) Set a reasonable time for the performance of any required remedial act. However, in the case of graffiti removal or obliteration, the time shall not exceed 10 days from the date of the notice. (7.2)

(3) Department to serve notice. The Department shall serve notice upon the owner(s) of the property or other responsible person(s) pursuant to Sections 24-8-107(1) and 24-8-107(2) of these rules and regulations. Service shall be deemed complete if the notice is served in one of the following ways:

- (a) Served in person;
- (b) Sent by mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s); or
- (c) Published in a newspaper of general circulation. (7.3)

(4) One written notice sufficient for each calendar year. Only one notice need be served upon the person(s) during any calendar year directing the cutting and removal of weeds. (7.4)

(Ord. No. 96-29 Amended 05/20/1996)**24-8-108. ENFORCEMENT. (SECTION 8.0)**

(1) Department to ensure compliance. It shall be the duty of the Department, upon the presentation of proper credentials, to make inspections of any property as is necessary to ensure compliance with these regulations. (8.1)

(2) Inspection made with consent. Departmental inspections may be made with consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction. (8.2)

(3) Owner(s) may request a factual report of inspections. If requested, the owner(s) or other responsible person(s) of any property shall receive a report setting forth all facts found that relate to his compliance status. (8.3)

(Ord. No. 96-29 Amended 05/20/1996)**24-8-109. DEPARTMENT AUTHORITY TO CLEAN AND SECURE PROPERTY AND REMOVE GRAFFITI UPON RESPONSIBLE PERSON FAILURE TO COMPLY.* (SECTION 9.0)**

(1) If the responsible person(s) fail to clean and secure his or their property or fails to remove or obliterate graffiti after a notice has been issued by the Department pursuant to Sections 24-8-107(1) and 24-8-107(2), the Department may, in addition to other legal action:

- (a) Undertake or cause the cutting, eradicating
- (2) The Department, upon approved completion of the work, shall:
 - (a) Prepare an itemized statement of all costs, including administrative expenses of cutting, eradicating and removing of weeds, securing, maintaining or removing any structure(s) on the property or removing or obliterating graffiti.
 - (b) Mail a copy of an itemized statement of costs to the responsible person(s) demanding payment to the Department or to the City Treasurer within 20 days of the date of mailing. Notice to the owner shall be deemed served if accomplished pursuant to Section 24-8-107(3). (9.2)

(Ord. No. 96-29 Amended 05/20/1996)**24-8-110. ALTERNATE METHODS OF COMPELLING PAYMENT.* (SECTION 10.0)**

If the owner fails to make payment within twenty days of the date of mailing, of the amount set forth in the itemized statement of costs, payable to the City Treasurer, the Department may either cause suit to be brought in an

appropriate court of law or refer the matter to the City Treasurer, as provided by Section 24-8-112.

(Ord. No. 96-29 Amended 05/20/1996)**24-8-111. COLLECTION BY LAWSUIT.* (SECTION 11.0)**

If collection of expenses is pursued through the court, the City shall file suit and receive a judgment for all expenses, together with reasonable attorney's fees, interest and court costs. The City may execute on such judgment in the manner provided by law.

24-8-112. COLLECTION THROUGH TAXES.* (SECTION 12.0)

If the Department elects to refer the collection of expenses to the city treasurer for inclusion in the tax notice of the property owner, the Department shall make an itemized statement of all expenses incurred and shall deliver four copies of the statement to the city treasurer, who shall deliver three copies of said statement to the county treasurer within ten days after the completion of the work for collection by the county treasurer pursuant to state law.

(Ord. No. 96-29 Amended 05/20/1996)**24-8-113. EXAMINATION AND INVESTIGATION.* (SECTION 13.0)**

The Department is hereby authorized to make examinations and investigations of all real property within West Valley City, to determine whether owners of such property are complying with these rules and regulations, and to enforce their provisions. The Department is authorized to obtain an administrative warrant to allow entry onto private property for the purpose of enforcement of this Chapter or carrying out its duties under this Chapter.

(Ord. No. 96-29 Amended 05/20/1996)**24-8-114. RIGHT TO APPEAL.* (SECTION 14.0)**

Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within 10 calendar days after the request. A written notice of the Department's final determination shall be given within 10 calendar days after adjournment of the hearing. The Department may sustain, modify or reverse the action or order.

(Ord. No. 96-29 Amended 05/20/1996)**24-8-115. PENALTY.* (SECTION 15.0)**

(1) Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class "B" misdemeanor. (15.1)

(2) Each day such violation is committed or permitted to continue shall constitute a separate violation. (15.2)

(3) The city attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. (15.3)

(4) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, sanitation violation or graffiti. (15.4)

**CHAPTER 24-9
RESERVED**

|

CHAPTER 24-10 KENNELS, CATTERIES AND GROOMERIES

Sections:

- 24-10-101. Definitions. (Section 1.0)
- 24-10-102. Purpose. (Section 2.0)
- 24-10-103. Jurisdiction of the Department. (Section 3.0)
- 24-10-104. Powers and Duties of the Health Department. (Section 4.0)
- 24-10-105. Scope. (Section 5.0)
- 24-10-106. General Requirements for Owners and Harborers of Animals. (Section 6.0)
- 24-10-107. General Requirements for Kennels, Catteries and Groomeries. (Section 7.0)
- 24-10-108. Facility Approval. (Section 8.0)
- 24-10-109. Plans Submission and Approval for Commercial Facilities. (Section 9.0)
- 24-10-110. Minimum Requirements for Commercial Facilities. (Section 10.0)
- 24-10-111. Additional Requirements for Groomeries. (Section 11.0)
- 24-10-112. Notice. (Section 12.0)
- 24-10-113. Enforcement. (Section 13.0)
- 24-10-114. Condemning or Closing a Facility. (Section 14.0)
- 24-10-115. Right to Appeal. (Section 15.0)
- 24-10-116. Penalty. (Section 16.0)

24-10-101. DEFINITIONS. (SECTION 1.0)

For the purpose of these Rules and Regulations, the following terms, phrases and words shall have the meanings herein expressed:

- (1) **Animal:** A dog or cat. (1.1)
- (2) **Animal Control Division:** The Salt Lake County Department of Animal Control or the appropriate division of animal control within a municipality of Salt Lake County. (1.2)
- (3) **Cage:** A structure or enclosure that does not contain space for an animal to exercise. (1.3)
- (4) **Cattery:** Premises on which three or more cats more than four months old are fed or given harborage. (1.4)
- (5) **Commercial Cattery:** A cattery designated commercial by Salt Lake County or a municipality within the County, including, but not limited to receiving a business license for a kennel. (1.5)
- (6) **Commercial Kennel:** A kennel designated commercial by Salt Lake County or a municipality within the county, including, but not limited to, receiving a business license for a kennel. (1.6)
- (7) **Communal Cage:** A cage that contains two or more animals. (1.7)
- (8) **Department:** The Salt Lake City-County Health Department. (1.8)
- (9) **Director:** The Salt Lake City-County Health department Director of Health or his authorized representative. (1.9)
- (10) **Facility:** A kennel, cattery or groomery. (1.10)

(11) **Groomery:** Premises where an animal(s) is bathed, clipped, sheared, combed, plucked or otherwise groomed for hire. (1.11)

(12) **Hot Water:** Water heated to a temperature of at least 120 degrees F (49 degrees C) at the outlet. (1.12)

(13) **Kennel:** Premises on which three or more dogs more than four months old are fed or given harborage. (1.13)

(14) **Nuisance:** Unlawfully doing any act or omitting to perform any duty, which act or omission either:

(a) Seriously annoys or injures or endangers the comfort, repose, health, or safety of any person;

(b) Seriously renders a person insecure in life or the use of property; (1.14)

(15) **Owner:** Any person who alone, jointly or severally with others:

(a) Has legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Has charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. (1.15)

(16) **Person:** Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law. (1.16)

(17) **Run:** A structure or enclosure that contains an exercise area for the animal(s). (1.17)

24-10-102. PURPOSE. (SECTION 2.0)

These rules and regulations establish minimum standards for proper sanitation, nuisance control and for the construction, operation and maintenance of kennels, catteries and groomeries as they relate to:

- (1) Protection of public health; (2.1)
- (2) Prevention of injury to animals and humans; (2.2)
- (3) Prevention of the spread of disease; and (2.3)
- (4) Prevention of public nuisance within Salt Lake County, including its municipalities. (2.4)

24-10-103. JURISDICTION OF THE DEPARTMENT. (SECTION 3.0)

All areas enumerated in Section 24-10-102 shall be subject to the direction and control of the Health Department.

24-10-104. POWERS AND DUTIES OF THE HEALTH DEPARTMENT. (SECTION 4.0)

The Department, by the Director, shall be responsible for the administration of these rules and regulations and, in addition to any other powers vested in it by law, shall:

- (1) Require the submission of reports, plans and specifications for facilities as necessary to implement the provisions of these regulations and the requirements and standards adopted pursuant to them. (4.1)

(2) Issue permits and charge fees as are necessary to implement the provisions of the regulations and requirements and standards adopted pursuant to them. (4.2)

(3) Make inspections of any facility or facilities and issue orders as necessary to effect the purpose of these rules and regulations. (4.3)

(4) Examine animal(s) or require their professional examination, if necessary, for enforcement of these rules and regulations. (4.4)

(5) Do any and all acts permitted by law necessary for the successful enforcement of these rules and regulations. (4.5)

24-10-105. SCOPE. (SECTION 5.0)

(1) It shall be unlawful for any person not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations. (5.1)

(2) Veterinary hospitals and municipal and county shelters shall be exempt from the provisions of these rules and regulations that apply to commercial facilities, except that any area of a veterinary hospital serving as a commercial kennel, cattery or groomery shall not be exempt. (5.2)

(3) Sections 24-10-108 through 24-10-111 shall apply only to commercial facilities. (5.3)

(4) Any exceptions allowed by the Department to the requirements of these regulations shall be only by written approval of the Department. (5.4)

24-10-106. GENERAL REQUIREMENTS FOR OWNERS AND HARBORERS OF ANIMALS. (SECTION 6.0)

(1) An owner(s) or other person(s) harboring any animal shall remove droppings, spoiled food, and other wastes from the premises as often as necessary, and at least every seven days, to prevent odor, insect or rodent attraction or breeding or both, or any other nuisance. (6.1)

(2) A dog(s) shall not be allowed to leave the premises except under the direct control of the owner(s) or other responsible person(s). (6.2)

(3) An owner(s) or other person(s) harboring any dog shall prevent the dog(s) from defecating on any other private property. (6.3)

(4) An owner(s) or other person(s) harboring any dog shall immediately remove the dog's fecal matter deposited on other property. (6.4)

(5) The animal food storage or feeding area(s) shall be secure from insect, rodent or other vermin attraction or harborage or both. (6.5)

24-10-107. GENERAL REQUIREMENTS FOR KENNELS, CATTERIES AND GROOMERIES. (SECTION 7.0)

(1) All parts of a facility shall be maintained in good repair. (7.1)

(2) Provisions shall be made to effectively collect, treat and dispose solid waste, including dead animals and liquid waste. Solid waste shall be stored, collected and disposed to minimize vermin infestation, odors and health hazards. (7.2)

(3) Chemicals, medications and other supplies shall be stored away from animal contact and from unauthorized persons. (7.3)

(4) All buildings, cages and runs shall be built to reasonably prevent the escape of any animal. A security fence or wall shall protect animals from trespassers. (7.4)

(5) The building(s), storage areas and waste handling facilities shall be secure from rodents, insects and other vermin. (7.5)

(6) Outside runs of facilities constructed after the effective date of these regulations shall be at least ten feet (3.05 meters) from the property line and at least 50 feet (15.25 meters) from all dwellings on adjacent property. (7.6)

(7) Outside runs of facilities in existence prior to the effective date of these regulations shall not create a nuisance or health hazard because of their proximity to abutting premises. (7.7)

(8) Animal and food waste, bedding, hair, dead animals and other waste material shall be disposed in accordance with Section 6.1, and at a frequency and location established in the Department Solid Waste Regulations. (7.8)

(9) The facility and premises shall be clean and free of litter, trash and garbage. (7.9)

(10) Runs using gravel shall be cleaned and sanitized by removing the soiled gravel. Disinfectants or deodorizers or both shall be used to control odors, if necessary. (7.10)

(11) All feed shall be free from contamination and adequately stored to protect against infestation or contamination by vermin. (7.11)

(12) All food products shall be stored on racks or shelves high enough above the floor that cleaning can be done efficiently and that rodent harborage shall be prevented. (7.12)

(13) All fencing shall be maintained in good repair and shall be of sufficient strength to protect the animals from injury, prevent escape and restrict the entrance of other animals. (7.13)

(14) Any broken sections or any areas in the fencing that may cause injury to the enclosed animals or allow them to escape shall be repaired immediately. (7.14)

(15) Noise beyond the property line of any facility shall not exceed legal limits. (7.15)

(16) All dogs shall be enclosed in a building(s) or shelter(s) between the hours of 10 p.m. and 7 a.m. (7.16)

(17) Enclosures housing cats shall be provided with a receptacle(s) containing at least three inches (7.62 centimeters) deep of clean litter. (7.17)

24-10-108. FACILITY APPROVAL. (SECTION 8.0)

(1) Construction or significant modification of a commercial facility shall not be initiated prior to written approval of the Health Department. (8.2)

(2) At the time a facility becomes commercial, if these regulations have taken effect, it shall meet all requirements for a commercial facility. (8.2)

24-10-109. PLANS SUBMISSION AND APPROVAL FOR COMMERCIAL FACILITIES. (SECTION 9.0)

(1) Person(s) desiring to construct or modify a commercial facility shall initiate action by written application to the Department. (9.1)

(2) The application to construct or modify the facility shall contain two copies of plans and specifications that include:

- (a) Address of the proposed facility;
- (b) The facility owner's name, address and telephone numbers;
- (c) The name of the proposed facility;
- (d) The name, address and telephone number of all other persons associated with the facility's operations;
- (e) Zoning of the facility's premises and the zoning of all other premises within 1,320 feet (402.6 meters) of the facility;
- (f) Breed and number of animals for which the facility is designed;
- (g) Renderings of the structure and design of the shelters, cages, runs, isolation areas, storage areas, ventilation, heating, lighting, drainage, sewage disposal and fencing.
- (h) Description of methods for storing and disposing solid and liquid waste; cleaning and sanitizing the facility; storing feed and chemicals; providing water and bedding; and protecting animals from each other and from unauthorized people; and
- (i) Other applicable information if requested. (9.2)

24-10-110. MINIMUM REQUIREMENTS FOR COMMERCIAL FACILITIES. (SECTION 10.0)

In addition to the requirements of Sections 24-10-106 and 24-10-107 and unless ordered or approved by the Department, each commercial facility shall be designed, operated and maintained to meet the following minimum requirements:

(1) Buildings.

- (a) All runs or areas where animals are kept shall be constructed of smooth impervious material to a height of at least four feet (1.22 meters) high, and shall be easily cleanable, and shall not restrict proper sanitation. The floor of the runs shall be constructed of concrete or of pea gravel to a depth of at least two inches (5.08 cm).
- (b) All facility buildings, shelters, runs and cages shall provide adequate protection from inclement weather and drafts. Sufficient shade shall be provided to allow all animals to protect themselves from the direct rays of the sun. Bedding shall be provided that is clean and protects the animal(s) from cold weather.

- (c) Ventilation shall be adequate to maintain the health and comfort of the animals at all times.
- (d) Indoor facilities shall be sufficiently heated when necessary to keep the animals healthy and comfortable.
- (e) Sufficient lighting shall be provided throughout the facility to permit routine inspection and cleaning during all hours of operation.
- (f) Running water from a source approved by the Department shall be available for use at all times.
- (g) The facility shall be designed so surface drainage is diverted around and away from the runs and cages. Drain gutters shall be sloped to prevent standing pools of water and shall be located outside the runs. (10.1)

(2) Minimum Size Requirements. Each size is a minimum requirement per animal.

- (a) Dogs over 50 pounds (22.7 kilograms) in weight shall not be kept in runs with floor space of less than 24 square feet (2.23 square meters).
- (b) Dogs 15 to 50 pounds (6.8 to 22.7 kilograms) in weight shall not be kept in runs with floor space less than 12 square feet (1.12 square meters).
- (c) Dogs less than 15 pounds (6.8 kilograms) in weight shall not be kept in runs with floor space of less than four square feet (.37 square meters).
- (d) Cats shall not be kept in runs with less than four square feet (.37 square meters) of floor space and less than two feet (.61 meters) in height.
- (e) Communal cages for cats more than four months old shall be as large as the total for all cages, if the cats had been housed separately.
- (f) All animals kept in a communal cage shall be either from the same litter or belong to the same owner unless written permission is given by the animal's owner.
- (g) All cages for cats in boarding catteries shall have a litter box or tray, bed, feeding bowl and water container that are easily sanitizable.
- (h) All cages for animals shall have sufficient space for the animal(s) to freely and easily stand, sit, lie or turn around without touching the sides or top of the cage.
- (i) Cages and runs for cats shall contain a shelf upon which the cat can comfortably perch. (10.2)

(3) Bedding.

- (a) Bedding shall be disposable and removed and replaced as necessary to maintain the facility clean and sanitary.
- (b) Materials that absorb moisture shall be replaced daily and the areas underneath such

- materials shall be cleaned and disinfected daily.
- (c) Cage floors and runs shall have a resting board or bedding adequate to comfortably hold all the animals at the same time and shall be maintained clean and sanitary. Any exception to this shall be approved in writing by the Department. (10.3)
- (4) Cleaning.
- (a) All cages and runs, including resting boards, shall be thoroughly cleaned and disinfected at least daily.
- (b) Prior to the introduction of an animal into a cage or run previously occupied by another animal, such cages or runs shall be cleaned and disinfected.
- (c) All cages, litter boxes, gutters, aisles and general areas shall be cleaned daily to prevent accumulations of excreta or other waste material.
- (d) Cleaning agents or chemicals that are harmful to animal tissues shall not be used if there is a possibility of contact or ingestion of the agent or chemical by an animal.
- (e) An effective program shall be used to control insects, parasites and other vermin as needed and as directed by the Department. (10.4)
- (5) Feed and Feeding.
- (a) All feed shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the breed, condition, size and age of the animal(s).
- (b) Feed receptacles shall be accessible to all animals and located to minimize contamination by excreta.
- (c) Animals more than 12 months old shall be fed at least once each day.
- (d) Puppies shall be fed three times each day and kittens four times each day if between 6 and 12 weeks old. Kittens shall be fed three times each day if between 12 weeks and six months old, and two times a day if between six and 12 months old. Puppies shall be fed twice a day if between 12 weeks and 12 months old.
- (e) All perishable feed shall be kept refrigerated at 40 degrees F (8 degrees C) or lower until used.
- (f) Individual feeding receptacles shall be cleaned and sanitized daily and after each use. Continuous feeders shall be cleaned and sanitized at least after each occupancy and as often as necessary to maintain them clean and sanitary. (10.5)
- (6) Drinking Water.
- (a) All animals within cages or runs or both shall have drinking water available at all times. The water shall be approved by the Department and of sufficient quality to maintain the health of the animals and prevent the spread of disease.
- (b) Water containers shall be anchored to prevent tipping and shall be removable for cleaning, be kept clean and be sanitized at least daily. (10.6)
- (7) Isolation, Illness, Injury and Veterinary Practice.
- (a) Each animal at the facility shall be observed daily by the owner of the facility. Sick, diseased, injured, lame or blind animals shall be properly isolated from other animals or the public to prevent further exposure to disease, illness or injury, and shall be provided with proper medical care. The owner who observes an animal that he suspects of being rabid shall immediately notify the Animal Control Division and the Health Department.
- (b) Any animal that is ill or injured shall receive immediate medical attention.
- (c) First-aid equipment shall be kept in a convenient location within the facility and available at all times for both animal and human use. The equipment shall be properly maintained and used as needed. The facility owner and his employee shall be properly trained to use the equipment.
- (d) Veterinary medicine, as defined in Title 50-2, Utah Code Annotated, 1953 as amended, shall not be performed on any animal, except by a veterinarian licensed by the State of Utah.
- (e) If the Director observes a disease or condition within a facility that is an apparent serious violation of the regulations, he may call in a veterinarian as a consultant. If there was, in fact, a violation, the cost of the consultant shall be borne by the facility owner. (10.7)
- (8) Employees and Customers.
- (a) A sufficient number of persons shall be employed or utilized to maintain the facility according to the requirements of these regulations.
- (b) Customers shall be informed of the procedures and care their animal(s) will receive while at the facility and the emergency procedures that will be taken in case of illness, injury or refusal to eat. (10.8)
- 24-10-111. ADDITIONAL REQUIREMENTS FOR GROOMERIES. (SECTION 11.0)**
- In addition to the other requirements given in these regulations, all groomeries shall comply with the following requirements:
- (1) Groomers shall know proper grooming techniques for each breed of animal accepted for grooming. (11.1)
- (2) Only equipment designed and constructed for the purpose of grooming shall be used. Equipment used including, but not necessarily limited to, clippers, shears and

combs shall be cleaned and sanitized after use with each animal. (11.2)

(3) Hot and cold water shall be available at all times. (11.3)

(4) Bathing equipment or areas shall be large enough to comfortably accommodate the animals. Animal bathing equipment or areas shall be used only for animal bathing purposes and not be used by humans. (11.4)

(5) All towels or rugs used in the bathing or cage areas shall be clean and sanitary and sanitized following use by an animal. (11.5)

(6) Dryers shall not be too hot for an animal's comfort and shall be operated to prevent any injury or harm to the animal. (11.6)

24-10-112. NOTICE. (SECTION 12.0)

(1) Department to notify owners or others of violations. If the Director has inspected any facility and has found and determined that the facility is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, he shall give notice of the violations to the owner(s) or other responsible person(s) thereof. (12.1)

(2) Department to issue written notice of violation(s). Prior to initiating a court complaint for the violation of these rules and regulations, the Director shall issue a notice pursuant to Section 24-10-112(1) and shall:

- (a) Describe the property;
- (b) Give a statement of the cause for its issuance;
- (c) Set forth an outline of the remedial action that complies with the provisions of these regulations; and
- (d) Set a reasonable time for the performance of any required remedial act. (12.2)

(3) Department to serve notice. The Director shall serve notice upon the owner(s) of the property or other responsible person(s) pursuant to Sections 24-10-112(1) and 24-10-112(2) of these Rules and Regulations. Service shall be deemed complete if the notice is served in one of the following ways:

- (a) Served in person; or
- (b) Sent by certified mail to the last known address of the owner(s) or other responsible person(s) of the facility. (12.3)

24-10-113. ENFORCEMENT. (SECTION 13.0)

(1) Department to ensure compliance. It shall be the duty of the Director, upon the presentation of proper credentials, to make inspections of all facilities as is necessary to ensure compliance with these regulations. (13.1)

(2) Inspection made with consent. Departmental inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administration search warrant issued by a court of competent jurisdiction. (13.2)

(3) Owners may request a factual report of inspections. If requested, the owner(s) or other responsible person(s) of

any facility shall receive a report setting forth all the facts that relate to his compliance status. (13.3)

24-10-114. CONDEMNING OR CLOSING A FACILITY. (SECTION 14.0)

(1) Any facility that fails to meet the requirements of these regulations and has been found to be a threat to the public health, safety or welfare may be condemned and closed by the Department and shall be designated by a placard posted in a conspicuous place. (14.1)

(2) The Department shall give notice in writing to the owner(s) or operator(s) of the facility condemned and closed. (14.2)

(3) No facility that has been condemned, closed and placarded shall be used for the feeding, grooming or harborage of any animal(s) until written approval is received from the Department. (14.3)

(4) No person shall deface or remove a placard from any facility that has been condemned and closed by the Department. (14.4)

(5) Any owner or operator affected by the condemning, closing and placarding of a facility may request and be granted a hearing as provided in Section 24-10-115. (14.5)

(6) The Department shall remove the placard whenever the violation(s) upon which condemnation was based has been remedied. (14.6)

24-10-115. RIGHT TO APPEAL. (SECTION 15.0)

Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within 10 calendar days after the request. A written notice of the Director's final determination shall be given within 10 calendar days after adjournment of the hearing. The director may sustain, modify or reverse the action or order.

24-10-116. PENALTY. (SECTION 16.0)

(1) Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class "B" misdemeanor. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class "A" misdemeanor. (16.1)

(2) Each day such violation is committed or permitted to continue shall constitute a separate violation. (16.2)

(3) The city attorney, or where appropriate, the county attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. (16.3)

(4) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation. (16.4)

CHAPTER 24-11
RESERVED (REGULATION #10)

|

CHAPTER 24-12
RESERVED (REGULATION #11)

|

**CHAPTER 24-13
RESERVED (REGULATION #12)**

|

CHAPTER 24-14
RESERVED (REGULATION #13)

|

CHAPTER 24-15
RESERVED (REGULATION #14)

|

CHAPTER 24-16
RESERVED (REGULATION #15)

|

CHAPTER 24-17
RESERVED (REGULATION #16)

|

CHAPTER 24-18
RESERVED (REGULATION #17)

|

**CHAPTER 24-19
RESERVED (REGULATION #18)**

|

CHAPTER 24-20
RESERVED (REGULATION #19)

|

**CHAPTER 24-21
RESERVED (REGULATION #20)**

|

**CHAPTER 24-22
NOISE CONTROL (REGULATION #21)**

Sections:

- 24-22-101. Definitions and Standards. (Section 1.0)
- 24-22-102. Reserved. (Section 2.0)
- 24-22-103. Reserved. (Section 3.0)
- 24-22-104. Reserved. (Section 4.0)
- 24-22-105. Reserved. (Section 5.0)
- 24-22-106. Reserved. (Section 6.0)
- 24-22-107. General Prohibition of Noise.* (Section 7.0)
- 24-22-108. Specific Noise Prohibitions.* (Section 8.0)
- 24-22-109. Use District Noise Levels. (Section 9.0)
- 24-22-110. Sound Level Measurement. (Section 10.0)
- 24-22-111. Exemptions. (Section 11.0)
- 24-22-112. Permits. (Section 12.0)
- 24-22-113. Motor Vehicle Noise. (Section 13.0)
- 24-22-114. Enforcement Responsibility. (Section 14.0)
- 24-22-115. Reserved. (Section 15.0)
- 24-22-116. Reserved. (Section 16.0)
- 24-22-117. Reserved. (Section 17.0)
- 24-22-118. Reserved. (Section 18.0)
- 24-22-119. Penalty. (Section 19.0)
- 24-22-120. Reserved. (Section 20.0)
- 24-22-121. Additional Remedies. (Section 21.0)

**24-22-101. DEFINITIONS AND STANDARDS.
(SECTION 1.0)**

All terminology used in this ordinance, and not defined below, shall be in conformance with applicable American National Standards Institute publications including, but not limited to, to SI. 1-1960, R 1971, or those from its successor publications or bodies. For the purposes of this ordinance, certain words and phrases used herein are defined as follows:

(1) **A-Weighted Sound Pressure Level:** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA. (1.1)

(2) **Ambient Sound Pressure Level:** The sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level exceeding 90 percent of the time based on a measurement period, which shall not be less than 10 minutes. (1.2)

(3) **Continuous Sound:** Any sound that exists, essentially without interruption, for a period of 10 minutes or more. (1.3)

(4) **Cyclically Varying Noise:** Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform intervals of time. (1.4)

(5) **Decibel:** Logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is abbreviated dB. (1.5)

(6) and (7) Reserved. (1.6 and 1.7)

(8) **Device:** Any mechanism that is intended to produce, or that actually produces noise when operated or handled. (1.8)

(9) **Dynamic Braking Device:** A device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as a "Jacob's Brake." (1.9)

(10) **Emergency Work:** Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger. (1.10)

(11) **Emergency Vehicle:** A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger. (1.11)

(12) **Impulsive Noise:** A noise containing excursions usually less than one second or sound pressure level using the fast meter characteristics. (1.12)

(13) **Motor Vehicle:** Any vehicle that is self-propelled by mechanical power including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobiles and racing vehicles. (1.13)

(14) **Muffler:** An apparatus consisting of a series of chambers or baffle plates designed to transmit gases while reducing sound. (1.14)

(15) Reserved. (1.15)

(16) **Noise Disturbance:** Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace or safety of another person(s). (1.16)

(17) **Noise:** Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings. (1.17)

(18) Reserved. (1.18)

(19) **Person:** Any individual, public or private corporation, partnership, association, firm, trust, estate, the state or any of its departments or political subdivisions, institution, bureau or agency thereof, county, city or any legal entity that is recognized by the law. (1.19)

(20) **Plainly Audible Noise:** Any noise for which the information content of that noise is unambiguously transferred to the listener including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms. (1.20)

(21) **Property Boundary:** An imaginary line at the ground surface and its vertical extension that separates the real property owned by one person from that owned by another person. (1.21)

(22) **Public Right-of-way:** Any street, avenue, boulevard, highway, alley or similar place that is owned or controlled by a public governmental entity. (1.22)

(23) **Pure Tone:** Any sound that can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall consist of the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for frequencies of 500 Hz and above, by eight dB for frequencies

between 160 and 400 Hz, and by 15 dB for frequencies less than or equal to 125 Hz. (1.23)

(24) **Repetitive Impulsive Noise:** Any noise that is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than 10 dB(A). (1.24)

(25) **Sound:** A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that causes compression and rarefaction of the medium, and that propagates at finite speed to distant points. (1.25)

(26) **Sound Level Meter:** An instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter or visual display or both, and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level if properly calibrated and is of type two or better as specified in American National Standards Institute Publication 81. 4-1971 or its successor publications. (1.26)

(27) **Sound Pressure:** The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound. (1.27)

(28) **Sound Pressure Level:** Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure, which shall be 20 micropascals and abbreviated LP or SPL. (1.28)

(29) **Stationary Noise Source:** Any device, fixed or movable, that is located or used on property other than a public right-of-way. (1.29) (30) **Steady Noise:** A sound pressure level that remains essentially constant during the period of observation and does not vary more than 6 dB(A) when measured with the "slow" meter characteristic of a sound level meter. (1.30)

(31) Percentile Sound Pressure Level:

(a) **Tenth Percentile Noise Level:** The A-weighted sound pressure level that is exceeded 10 percent of the time in any measurement period (such as the level that is exceeded for 1 minute in a 10-minute period) and is denoted L10.

(b) **Ninetieth Percentile Noise Level:** The A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for nine minutes in a 10-minute period) and is denoted L90. (1.31)

(32) Reserved. (1.32)

24-22-102. RESERVED. (SECTION 2.0)

24-22-103. RESERVED. (SECTION 3.0)

24-22-104. RESERVED. (SECTION 4.0)

24-22-105. RESERVED. (SECTION 5.0)

24-22-106. RESERVED. (SECTION 6.0)

24-22-107. GENERAL PROHIBITION OF NOISE.* (SECTION 7.0)

In addition to the specific prohibitions outlined in Sections 24-22-108, 24-22-109, and 24-22-113 of these rules and regulations, it shall be unlawful for any person to

produce, continue or cause to be produced or continued any noise disturbance within the limits of West Valley City.

(Ord. No. 94-36 Amended 04/08/1994)

24-22-108. SPECIFIC NOISE PROHIBITIONS.* (SECTION 8.0)

The following acts are declared to be in violation of these rules and regulations if they occur between the hours of 10 p.m. and 7 a.m. and are plainly audible at the property boundary of the source; or if they occur at any time so as to be plainly audible at 50 feet from the source of the noise disturbance. A permit may be obtained pursuant to Section 24-22-112 to allow relief from the noise restrictions in these ordinances.

(1) **Horns and Signaling Devices.** The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or other vehicle, except as a danger warning signal as provided in the motor vehicle code of the State of Utah, or the sounding of any such signaling device for an unnecessary and unreasonable period of time. (8.1)

(2) **Radios, Television Sets, Musical Instruments and Similar Devices.** Using, operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound. (8.2)

(3) **Public Loudspeakers.** The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, easement or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures or transmission of music to any persons or assemblages of persons. (8.3)

(4) **Hawkers and Peddlers.** Selling anything by outcry within the City in areas zoned primarily for residential uses. (8.4)

(5) **Animals.** Owning, keeping, possessing or harboring any animal or animals that cause a noise disturbance by frequent or habitual noisemaking. (8.5)

(6) **Loading Operation.** Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects. (8.6)

(7) **Construction Work.** Operating, or causing to be used or operated, any equipment, machinery or vehicle used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto, irrespective of whether such construction actually occurs within the corporate limits of West Valley City:

(a) In any zone where such operation exceeds the sound level limits for a manufacturing zone as set forth in Section 24-22-109.

(b) The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.7)

(8) Domestic Power Equipment. Operating or permitting to be operated any power equipment rated five horsepower or less used for home or building repair, grounds maintenance, or residential power generation including, but not limited to, power saw, sanders, lawn mower, garden equipment or snow removal equipment:

- (a) Any such power equipment which emits a sound pressure level in excess of 74 dB(A) measured at a distance of 50 feet (15.25 meters).
- (b) The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.8)
- (c) Except that use of residential power generation equipment during power outage or routine maintenance of such generator shall not constitute a violation of this Chapter so long as the sound pressure level does not exceed 80 dB (A).

(9) Commercial Power Equipment. Operating or permitting to be operated, any power equipment, except construction equipment used for construction activities, rated more than five horsepower including, but not limited to, chain saws, pavement breakers, log chippers or powered hand tools:

- (a) In any zone if such equipment emits a sound pressure level in excess of 82 dB(A) measured at a distance of 50 feet (15.25 meters) from the source.
- (b) The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.9)

(10) Enclosed Places of Public Entertainment.

- (a) In addition to the above requirements, it is a violation if the maximum sound pressure levels of 100 dB(A), as read with the slow response on a sound level meter, is produced inside any enclosed place of public entertainment, that is normally occupied by a customer, unless a conspicuous and legible sign at least 225 square inches in area is posted near each public entrance stating in large letters "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT."
- (b) This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in violation of this Section. (8.10)

(11) Fireworks or Explosives. The use of explosives, fireworks or discharge guns or other explosive devices. This provision shall not be construed to permit conduct prohibited by other statutes, ordinances or regulations governing such activity. (8.11)

(12) Racing Events. Racing or permitting any motor vehicle racing event. (8.12)

(13) Powered Model Mechanical Devices. Flying a model aircraft, car, boat or other such device powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices. (8.13)

(14) Dynamic Braking Devices. Operating any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger. (8.14)

(15) Refuse Compacting Vehicles. Operating or causing or permitting the operation or use of any refuse compacting vehicle that creates a sound pressure level in excess of 74 dB(A) at 50 feet (15.25 meters).

The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.16)

(16) Garbage Collection. Collecting garbage, waste or refuse between the hours of 9 p.m. and 7 am. the following day:

- (a) In any area zoned residential or agricultural or within 300 feet of an area zoned residential or agricultural.
- (b) In any zone so as to cause a noise disturbance.
- (c) The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.17)

(17) Standing Motor Vehicles. The operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto that causes a noise disturbance for a consecutive period longer than 15 minutes during which such vehicle is stationary in a residential or agricultural zone. (8.18)

(18) Quiet Zones. Creating noise in excess of the residential/agricultural standard, as defined in Section 24-22-109, within the vicinity of any school, hospital, institution of learning, court, or other designated area where exceptional quiet is necessary, while the same is in use, provided conspicuous signs are displayed in the streets indicating that the same is a quiet zone. (8.19)

(19) Bells and Alarms. Sounding, operating or permitting the sounding or operation of an electronically-amplified signal from any burglar alarm, bell, chime or clock including, but not limited to, bells, chimes or clocks in schools, houses of religious worship or governmental buildings that fail to meet the standards in Section 24-22-109 for longer than five minutes in any hour. (8.20)

(20) Fixed Siren, Whistles and Horns. Sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work or for any other purpose except as a sound signal of imminent danger, for longer than 5 minutes in any hour. (8.21)

(21) Recreational Vehicles and Snowmobiles.

- (a) Operating a recreational vehicle or snowmobile.
- (b) Selling or operating within West Valley City any recreational vehicle or snowmobile built after model year 1977 unless the vehicle produces no more than a maximum sound

level of 82 dB(A) at 50 feet (15.25 meters) from the source. (8.22)

(Ord. No. 94-36 Amended 04/08/1994; Ord. No. 05-39 Amended 09/06/2005)

**24-22-109. USE DISTRICT NOISE LEVELS.
(SECTION 9.0)**

(1) Maximum Permissible Sound Levels.

(a) It shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound creating a ninetieth percentile sound pressure level (L90) for any measurement period (not less than 10 minutes unless otherwise provided in these regulations) that exceeds the limits set forth for the following zones when measured at the boundary or at any point within the property affected by the noise:

Zone	10 p.m. – 7 a.m.	7 a.m. – 10 p.m.
Residential / Agricultural	50 dB(A)	55 dB(A)
Commercial (including Research Business Park Zone and Professional Office Zone)	55 dB(A)	60 dB(A)
Manufacturing	75 dB(A)	80 dB(A)

(b) When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories. (9.1)

(2) Correction for Duration of Sound.

(a) It shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound within any zones that creates a tenth percentile sound pressure level (LIO) of 15 dB(A) greater than the levels set forth for the receiving zones in Section 24-22-109(1) for any measurement period. Such period shall not be less than 10 minutes.

(b) Notwithstanding the requirements of Section 24-22-109(2)(a), it shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound within any land use district that creates a tenth percentile sound pressure level (LIO) greater than 15 dB(A) above the ambient sound pressure level (L90) of any measurement period. Such period shall not be less than 10 minutes. (9.2)

(3) Correction for Character of Sound.

(a) For any stationary source of sound that emits a pure tone, cyclically varying sound, or repetitive impulsive sound, the limits set forth in Section 9.1 shall be reduced by five dB(A).

(b) Notwithstanding compliance with Section 24-22-109(3)(a), it shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound that emits a pure tone, cyclically varying sound, or repetitive impulsive sound that creates a noise disturbance. (9.3)

(Ord. No. 05-14 Amended 04/05/2005)

**24-22-110 SOUND LEVEL MEASUREMENT.
(SECTION 10.0)**

Sound level measurements shall be made with a sound level meter using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute or other reasonable standards adopted and tested by the Salt Lake City-County Health Department. Measurements shall be taken on a "per occurrence" basis unless otherwise specified herein.

24-22-111. EXEMPTIONS. (SECTION 11.0)

The following uses and activities shall be exempt from noise level regulations:

- (1) Noise of safety signals, warning devices and emergency pressure relief valves. (11.1)
- (2) Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of emergency. (11.2)
- (3) Noise resulting from emergency work. (11.3)
- (4) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday or any other celebration at which the use of fireworks and noise makers has been approved by the City. (11.4)
- (5) Any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the City Council in accordance with Section 24-22-112. (11.5)

24-22-112. PERMITS. (SECTION 12.0)

(1) Application for a permit for relief from the noise restriction in these ordinances on the basis of undue hardship may be made to the City Manager or his authorized representative by:

- (a) Filing an application and paying the filing fee to the Business Service Division of the Community and Economic Development Department.
- (b) Submitting the application to the Business Service Division for review by the City Manager or his authorized representative.
- (c) The application for permit will be reviewed and a decision given, in writing, to the applicant within two full working days from the day the application is submitted to the City.
- (d) The applicant may request, in writing, a hearing before the City Manager or his authorized representative to supplement the application for a permit. The hearing must be held within two weeks of the request, and a written decision will be given to the applicant within two full working days from the day of the hearing.
- (e) A permit must be obtained at least two weeks before the date the activity, operation, or noise source will occur.
- (f) If the denial of the application is made by the City Manager, there shall be no appeal process

through the City. District Court may be petitioned for a review of said decision. If the decision is made by the City Manager's authorized representative, the applicant may appeal the decision to the City Manager. In order to appeal the denial of an application, a written notice of appeal must be filed with the Business Service Division within three days after receipt of the notice denying the application. Failure to file a written notice of appeal shall constitute a waiver of the right to appeal the decision.

- (g) A hearing of the appeal shall be held by the City Manager within five days after receipt of the notice of appeal. A written decision shall be made within three days after the hearing and notice given to the applicant.
- (2) Any permit granted by the City Manager or his authorized representative shall contain all conditions upon which said permit has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level, or equipment limitation.
- (3) The relief requested may be granted upon good and sufficient cause showing:
 - (a) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this ordinance; or
 - (b) That the activity, operation, or noise source will be of temporary duration and cannot be carried on in a manner that would comply with this ordinance; and
 - (c) That no reasonable alternative is available to the applicant. That other alternatives would be more expensive or less cost-effective shall not, in and of themselves be adequate reasons for concluding no reasonable alternative is available.
- (4) The City Manager or his authorized representative may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.
- (5) All conditions upon which the permit is granted must be stated specifically on the permit issued for relief from the noise restriction in these ordinances.

(Ord. No. 94-36 Amended 04/08/1994)

24-22-113. MOTOR VEHICLE NOISE. (SECTION 13.0)

(1) No person shall drive, or move, or cause, or knowingly permit to be driven or moved a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown below. Noise shall be measured at a distance of at least 25 feet (7.5 meters) from the near side of the nearest lane(s) being monitored and at a height of at least four feet (1.2 meters) above the immediate surrounding surface. All measurements shall be made on a "per occurrence" basis.

Any single occurrence of noise in excess of the below-stated limits shall constitute a separate violation of this ordinance. (13.1)

(2) Section 24-22-113 shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of these rules and regulations concerning motor vehicle mufflers for noise control. (13.2)

(3) No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:

- (a) Free from defects that affect sound reduction;
- (b) Equipped with a muffler or other noise dissipative device; and
- (c) Not equipped with any cut-out, by-pass or similar device. (13.3)

**24-22-114. ENFORCEMENT RESPONSIBILITY.
(SECTION 14.0)**

West Valley City shall have primary enforcement responsibility for this Ordinance.

24-22-115. RESERVED. (SECTION 15.0)

24-22-116. RESERVED. (SECTION 16.0)

24-22-117. RESERVED. (SECTION 17.0)

24-22-118. RESERVED. (SECTION 18.0)

24-22-119. PENALTY. (SECTION 19.0)

Any person violating any provision of this Ordinance is guilty of a class "B" misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. No. 94-36 Amended 04/08/1994)

24-22-120. RESERVED. (SECTION 20.0)

**24-22-121. ADDITIONAL REMEDIES. (SECTION
21.0)**

Violations of Sections 24-22-102 through 24-22-107 of this Ordinance are deemed and declared to be a nuisance, and as such, may be subject to summary abatement by means of a restraining order to injunction issued by a court of competent jurisdiction.

**CHAPTER 24-23
AIR POLLUTION**

Sections:

24-23-101. Fugitive Dust.

24-23-102. Odor Control.

24-23-101. FUGITIVE DUST.

(1) No person shall cause, suffer, allow or permit the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible beyond the property line of the emission source.

(2) No person shall cause, suffer, allow or permit a building or its appurtenances or open areas to be used, constructed, repaired, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering landscaping, paving, treating, or by other reasonable means.

(3) No person shall cause, suffer, allow or permit the repair, construction or reconstruction of a roadway or an alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust palliatives, wetting down, detouring, or by other reasonable means. Earth or other material shall be promptly removed which has been transported onto paved streets by trucking or earth moving equipment, erosion by water, or by other means.

(4) The owner or operator of a commercial establishment or industrial plant shall maintain control of the establishment premises or plant premises and establishment or plant owned, leased or controlled access roads by paving, oil treatment or other suitable measures.

(5) No person shall cause, suffer, allow or permit crushing, screening, drying, handling, conveying of materials, stockpiling, or other operations likely to give rise to airborne dust without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such means as spray bars, wetting agents, enclosure, structural barriers, or other suitable means.

(6) No person shall cause, suffer, allow, or permit sandblasting or related abrasion operations unless sufficient containment measures are taken to prevent the sand and/or abrasive material from traveling beyond the property line where the operation is being conducted.

(7) No owner, operator, or lessee of any real property located or situated within the City shall, after the topsoil has been disturbed or the natural cover removed, allow the same to remain unoccupied, unused, vacant, or undeveloped, without taking all reasonable precautions to prevent fugitive dust from becoming airborne. Dust and other particulates shall be controlled by compacting, chemical sealers, resin sealers, asphalt sealer, planting or vegetation or other reasonable means.

24-23-102. ODOR CONTROL.

(1) No person shall cause, suffer, allow or permit, at any time, any emission from those processes listed in (a) through (j) below unless the emissions are incinerated at a temperature of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds, or processed in a manner acceptable to the Air Quality Section to be equally or more effective for the purpose of air pollution control.

- (a) Animal blood dryers.
- (b) Meat processing.
- (c) Animal reduction and rendering cookers.
- (d) Meat smoke houses.
- (e) Asphalt roofing manufacturing.
- (f) Varnish cookers.
- (g) Paint bake ovens.
- (h) Plastic curing ovens.
- (i) Fiberglassing.
- (j) Sources of hydrogen sulfide and mercaptans.

(2) A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Regulation shall provide properly-installed and maintained, in good working order and in operation, devices acceptable to the Salt Lake City-County Health Department for indicating temperature, pressure or other operation conditions.

(3) Whenever dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building used for any process, including those mentioned hereinabove in such a manner and amount as to cause a violation of this Regulation, the Salt Lake City-County Health Department may order that the building or buildings in which the processing, handling or storage are done be tightly closed and ventilated in such a way that all air and gasses and air or gas-borne materials leaving the building are treated by incineration or other effective means for removal or destruction of odorous matter or other air contaminants before discharging into the open air.